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Presidential Documents

Title 3—

The President

Proclamation 9814 of October 31, 2018

Critical Infrastructure Security and Resilience Month, 2018

By the President of the United States of America

A Proclamation

The world today relies on critical infrastructure, such as power grids, water and food supplies, election infrastructure, transportation systems, and communications networks, that is increasingly complex, interconnected, and interdependent. During Critical Infrastructure Security and Resilience Month, we emphasize the vital role of strong national infrastructure in the national and economic security of our Nation. By mitigating risks to our critical infrastructure, we can keep America safe, healthy, and prosperous.

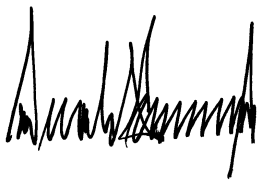
Cyber actors who aim to compromise or disrupt networks—often for monetary and political gain—are an increasing threat to our critical infrastructure. In September, I released the first fully articulated National Cyber Strategy in 15 years. The implementation of this strategy will strengthen America's defenses against cyber threats, help to secure our critical infrastructure, and protect cyberspace as an engine of economic growth, innovation, and democratic security. A key aspect of the strategy is strengthening existing partnerships with the private sector to thwart any threat and to protect critical infrastructure. By improving engagement between the United States Government and the private sector, we are better able to leverage the resources and capabilities of those who own and operate the vast majority of our Nation's critical infrastructure. Safeguarding our democratic processes is an important part of my strategy, and an imperative this election season. The protection and security of our election infrastructure, which is critical infrastructure, must be a top priority of the Federal Government and its partners across the country.

We must also maintain our focus on other aspects of our critical infrastructure, which sustain our food supply, our fuel sources, and our means of trade. National disasters like the recent wildfires, floods, and hurricanes—as well as the activities of our adversaries—speak directly to the importance of continuing to enhance and protect it. Every day, the Department of Homeland Security is working with government and private sector stakeholders to assess and address risks of every type to our critical infrastructure.

As we mark Critical Infrastructure Security and Resilience Month, we express our gratitude for the increasing efforts throughout government and the private sector to keep our Nation safe, secure, and prosperous. And we reaffirm our commitment to using our collective skills, knowledge, and capabilities to protect our country from evolving man-made and natural threats by making the Nation's critical infrastructure more secure and resilient.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2018 as Critical Infrastructure Security and Resilience Month. I call upon the people of the United States to recognize the importance of protecting our Nation's infrastructure and to observe this month with appropriate measures to enhance our national security and resilience.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.



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Presidential Documents

Proclamation 9815 of October 31, 2018

National Adoption Month, 2018

By the President of the United States of America

A Proclamation

During National Adoption Month, we recognize the immeasurable love and support that adoptive parents and families provide to hundreds of thousands of children each year. We celebrate the life-changing act of adoption, bring attention to the millions of Americans who are eager to adopt, and express our gratitude to the families who have welcomed children into their lives and homes. My Administration also acknowledges the courage of those mothers and fathers who place their child for adoption. Our Nation grows stronger because of the love and sacrifice of parents, both birth and adoptive.

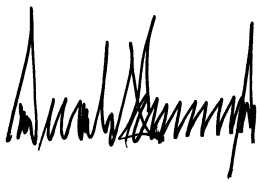
Adoption is a blessing for all involved. It provides needed relief to birth parents, who may not, for whatever reason, be in a position to raise a child. It fosters loving homes for children. It enables individuals to grow their families and share their love. And it fosters strong families, which are integral to ensuring strong communities and a resilient country. To secure the benefits of adoption, we must continue to assist families who are willing to adopt children in need of a permanent home and support the adoptive families already formed. We must also encourage all Americans to recognize that adoption is a powerful way to show women they are not alone in an unexpected pregnancy.

My Administration is dedicated to supporting the children in foster care who are seeking permanent homes. Unfortunately, many youth leave foster care at the age of 18 without lasting family connections. These children deserve a permanent family, which can provide them with love, stability, support, and encouragement as they pursue personal, educational, and employment goals and confront life's opportunities and challenges.

Adoption affirms the inherent value of human life and signals that every child—born or unborn—is wanted and loved. Children, regardless of race, sex, age, or disability, deserve a loving embrace into families they can call their own. This month, we honor the thousands of American families who have grown because of adoption. We also stand with those children in foster care, and we appeal to families, communities, and houses of worship across our great Nation to help these children find a permanent home.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2018 as National Adoption Month. I encourage all Americans to observe this month by helping children in need of a permanent home secure a more promising future with a forever family, so they may enter adulthood with the love and support we all deserve.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.



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Proclamation 9816 of October 31, 2018

National Entrepreneurship Month, 2018

By the President of the United States of America

A Proclamation

Since the founding of our Nation, generations of Americans have drawn upon every last measure of grit and determination to push the limits of human knowledge, invention, and capability. Our Nation thrives today because bold entrepreneurs and innovators had vision and drive, stopping at nothing to realize their dreams. This intrepid spirit, which burns in the heart of so many Americans, kept Edison working into the candlelit hours, lifted Earhart to new heights, and put a computer in every home. And under my Administration's policies, optimism among our Nation's small businesses and entrepreneurs recently reached the highest level ever recorded. During National Entrepreneurship Month, we celebrate the Americans who forge new frontiers of possibility and prosperity, and we reaffirm our commitment to creating an environment in which they can continue to drive our country's economic success.

My Administration is committed to policies that foster entrepreneurship and create jobs. For too long, an outdated and convoluted tax code discouraged investment and limited opportunity for millions of hardworking Americans. That is why, in December of 2017, I delivered on my promise to unleash the potential of America's economy by signing into law the Tax Cuts and Jobs Act. These unprecedented tax cuts and reforms eased the tax burden on entrepreneurs and expanded their access to capital, ushering in a new era of economic growth.

My Administration is also implementing historic regulatory reform, removing unnecessary and burdensome regulations, which have too often prevented our country's risk-takers from charting new paths of discovery. While working at every turn to protect consumers and the environment from harm, our deregulatory efforts have saved American families and business owners $33 billion. For the first time in modern history, Americans have experienced an overall decrease in regulatory burdens. We will not let up. Americans deserve a regulatory environment that facilitates innovation, rewards creativity, and allows the skills and dexterity of our entrepreneurs to shine.

Americans of every race, creed, and socioeconomic background are benefiting from my Administration's whole-of-government approach to economic growth. For example, the Small Business Administration (SBA), through its Women's Business Center Program, is providing access to training and counseling specifically for women in business. The SBA is also embarking on an ambitious web-based effort to build awareness about resources available for Hispanic job creators. Additionally, the Tax Cuts and Jobs Act created new Opportunity Zones, which will attract billions of dollars in private-sector investments to revitalize distressed communities in America.

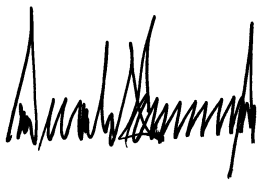
These efforts are yielding extraordinary dividends. The unemployment rate in September hit its lowest level in nearly half a century. The unemployment rate for Hispanic Americans is at the lowest level in recorded history. The unemployment rates for African Americans and Asian Americans have also hit all-time lows. The same is true of the unemployment rates for African-American women and African-American youth. And businesses

owned by African-American and Hispanic-American women are growing at a faster rate than any other category of female owned businesses.

This month, we celebrate every American entrepreneur who continues in the proud tradition of taking risks and delivering remarkable new products and services. We continue to be inspired by those who bring their ideas to fruition, whether through ambitious business development, thrilling entertainment, or groundbreaking research. And we renew our commitment to removing obstacles to economic freedom so that our Nation's entrepreneurs are able to embrace their ingenuity and create the next generation of American prosperity.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2018 as National Entrepreneurship Month. I call upon all Americans to commemorate this month with appropriate programs and activities and to celebrate November 20, 2018, as National Entrepreneurs' Day.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.



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Presidential Documents

Proclamation 9817 of October 31, 2018

National Family Caregivers Month, 2018

By the President of the United States of America

A Proclamation

During National Family Caregivers Month, we pay tribute to the millions of Americans across our Nation who selflessly care for family members who are chronically ill, elderly, or who have a disability. We recognize the challenges of caregiving and celebrate the joys of bringing support and comfort to a loved one. We express our gratitude to them for the work they do daily to ensure their loved ones are able to live in their homes and communities.

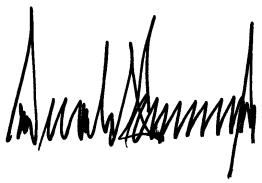
Family caregivers are the foundation of our country's long-term support system. Every year, nearly 44 million caregivers assist loved ones with a vast array of essential tasks, including eating, bathing, dressing, managing finances, childcare, administering medications, and arranging doctor visits and transportation. In performing these challenging duties with patience and compassion, family caregivers embody selfless service and sacrifice.

My Administration is strongly committed to ensuring that family caregivers have the support they need. Earlier this year, I was pleased to sign into law the RAISE Family Caregivers Act, which will help support the millions of family caregivers across our Nation and the individuals who rely on them. This bipartisan legislation directs the Secretary of Health and Human Services to develop and make available strategies for recognizing and supporting family caregivers. It also establishes an advisory council that will leverage expertise from across my Administration and our Nation to address topics such as respite services and options, workplace flexibility, and financial security. It will also help people navigate the healthcare system and produce further recommendations for supporting family caregivers. Similarly, the Supporting Grandparents Raising Grandchildren Act, which I signed on July 7, 2018, will help our Nation better address the needs of people who provide full-time care for their grandchildren. Sadly, the number of people caring for grandchildren is growing, as the opioid crisis continues to ravage families across our country. I was also pleased to sign into law the VA MISSION Act of 2018, which expands caregiver assistance to eligible veterans who served our country before September 11, 2001.

As anchors for their loved ones, our Nation's family caregivers promote a culture that values the dignity of life at all stages and the importance of family. This month, we acknowledge the dedication and compassion of all those who work to improve their family members' lives, and we renew our commitment to supporting them in their labor of love.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2018 as National Family Caregivers Month. I encourage all Americans to acknowledge, and express our gratitude to, all who provide compassionate care to enhance the lives of their loved ones in need.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.



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Presidential Documents

Proclamation 9818 of October 31, 2018

National Native American Heritage Month, 2018

By the President of the United States of America

A Proclamation

During National Native American Heritage Month, we celebrate the legacy of the first people to call this land home. America's Native Americans have fortified our country with their traditions and values, making tremendous contributions to every aspect of our national life. We remain committed to preserving and protecting Native American cultures, languages, and history, while ensuring prosperity and opportunity for all Native Americans.

American Indians and Alaska Natives are both important components of the American mosaic. Native Americans are business owners creating good jobs for American workers, teachers educating our children, first responders assisting neighbors in need, and leaders serving their communities. This month, we especially recognize the immeasurable contribution of American Indians and Alaska Natives who serve in the Armed Forces at five times the national average. We also acknowledge the many American Indians and Alaska Natives who are members of Federal, State, local, and tribal law enforcement and who sacrifice their safety for the security of all.

My Administration is committed to the sovereignty of Indian nations—including the rights of self-determination and self-governance—and ensuring economic opportunity from Window Rock in Arizona to the Badger-Two Medicine region in Montana. By engaging with tribal leaders as representatives of sovereign nations, my Administration is working to find effective solutions to pernicious challenges, such as generational poverty. Our partnership is furthering economic development and advancing needed reforms.

My Administration has also embraced all Federal agencies—especially the Bureau of Indian Affairs, the Indian Health Service, and the Bureau of Indian Education—to improve the quality of services delivered to American Indian and Alaska Native communities. We are combating the destructive opioid epidemic, confronting human trafficking and violent crime, expanding educational opportunity, increasing collaborative homeland security approaches to border security, and improving infrastructure throughout Indian country.

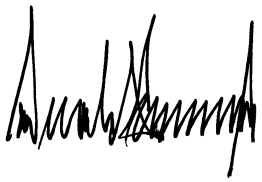
Earlier this year, I was pleased to sign into law legislation giving Federal recognition to six American Indian Tribes. The formal recognition of these sovereign governments is a symbol of our ongoing effort to restore self-governance and economic vitality to Native American peoples, and we welcome these tribes into America's family of sovereign nations.

Our Nation is proud of and grateful for its Native American heritage and traditions, including a history of innovation and entrepreneurship. The essential contributions of Native Americans continue to strengthen our American family and brighten our future together. This month, I encourage all Americans to learn more about American Indian and Alaska Native cultures as we celebrate and honor the many Native peoples who have given so much to our great Nation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2018

as National Native American Heritage Month. I call upon all Americans to commemorate this month with appropriate programs and activities and to celebrate November 23, 2018, as Native American Heritage Day.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.



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Presidential Documents

Proclamation 9819 of October 31, 2018

National Veterans and Military Families Month, 2018

By the President of the United States of America

A Proclamation

During National Veterans and Military Families Month, we salute the brave and dedicated patriots who have worn the uniform of the United States, and we celebrate the extraordinary military families whose selfless service and sacrifice make our military the finest in the world.

Our Nation's veterans represent the best of America. Generation after generation, men and women have answered the call to defend our country and our freedom, facing danger and uncertainty with uncommon courage. They make tremendous sacrifices by leaving their families to serve throughout the homeland and in combat, contingency, and humanitarian operations worldwide.

Our heroes have always relied on their families for strength and support. Serving alongside our men and women in uniform are spouses, siblings, parents, and children who personify the ideals of patriotism, pride, resilience, service above self, and honor. They endure the hardships and uncertainty of multiple relocations, extended trainings, and deployments because of their admirable devotion to our country and a loved one in uniform.

President Ronald Reagan said, ''America's debt to those who would fight for her defense doesn't end the day the uniform comes off.'' Our Nation's veterans fulfilled their duty to this country with brave and loyal service; it is our moral and solemn obligation to demonstrate to them our continuing gratitude, unwavering support, and meaningful encouragement.

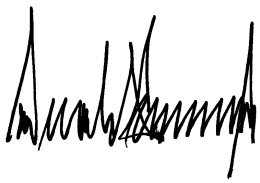
I am steadfastly committed to ensuring our veterans and their families receive the care and support they deserve. I was pleased to sign into law the landmark VA MISSION Act of 2018, which revolutionizes the way veterans receive healthcare and other services vital to their lives. The Department of Veterans Affairs is continuing to raise its standard of service, including through the establishment of the first national center of excellence for veteran and caregiver research, which will improve services and outcomes for patients and their families. I have also mandated greater collaboration across the Government to support veterans transitioning to civilian life. Additionally, Second Lady Karen Pence and I have collaborated on ways to elevate the career and educational opportunities for military spouses and children in partnership with State, local, and tribal officials.

It is most appropriate that in this season of gratitude we stop to recognize veterans, military families, and those who gave their lives in service to this great Nation. We are indebted to these heroes for the freedoms we enjoy every day. I ask all Americans to join me in offering our sincere thanks to our veterans and the families who love and support them.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2018 as National Veterans and Military Families Month. I encourage all communities, all sectors of society, and all Americans to acknowledge and honor the service, sacrifices, and contributions of veterans and military families

for what they have done and for what they do every day to support our great Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.



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Rules and Regulations

Federal Register
Vol. 83, No. 215
Tuesday, November 6, 2018

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

The Code of Federal Regulations is sold by the Superintendent of Documents.

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Part 1728

Specifications and Drawings for Underground Electric Distribution

AGENCY: Rural Utilities Service, USDA.

ACTION: Final rule; request for comments.

SUMMARY: The Rural Utilities Service (RUS), a Rural Development agency of the U.S. Department of Agriculture, is amending its regulations for electric standards and specifications in Bulletin 1728F–806 (D–806), ''Specifications and Drawings for Underground Electric Distribution,'' which is incorporated by reference, to digitize RUS accounting, clarify RUS requirements, update current standards and practices, and improve customer service. This bulletin contains complete specifications settings forth the RUS requirements for constructing rural underground electric distribution systems using state-of-the-art materials, equipment, and construction methods.

DATES: This rule is effective November 6, 2018.

Incorporation by Reference: The incorporation by reference of certain publications listed in this rule is approved by the Director of the Federal Register as of November 6, 2018.

Written comments must be received on or before December 6, 2018.

ADDRESSES: Submit comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and, in the lower ''Search Regulations and Federal Actions'' box, select ''Rural Utilities Service'' from the agency drop-down menu, then click on ''Submit.'' In the Docket ID column, select RUS–18–ELECTRIC–0006 to submit or view public comments and to view supporting and related materials available electronically. Information on using *Regulations.gov*, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''User Tips'' link. Follow the online instructions for submitting comments.
- *Mail:* Addressed to Michele Brooks, Team Lead—Rural Development Innovation Center—Regulations Team, U.S. Department of Agriculture, 1400 Independence Ave. SW, Stop 1522, Room 1562, Washington, DC 20250–1522. Please state that your comment refers to Docket No. RUS–18–ELECTRIC–0006.

Instructions: All submissions received must include that agency name and the subject heading ''Specifications and Drawings for Underground Electric Distribution.'' All comments received must identify the name of the individual (and the name of the entity, if applicable) who is submitting the comment.

FOR FURTHER INFORMATION CONTACT: Mr. Trung V. Hiu, Electrical Engineer, Electric Staff Division, Distribution Branch, U.S. Department of Agriculture, Rural Utilities Service, Room 1262–S, 1400 Independence Avenue SW, Washington, DC 20250–1569. Telephone: (202) 720–1877. Fax: (202) 720–7491. Email: *Trung.Hiu@usda.gov.*

SUPPLEMENTARY INFORMATION:

Executive Order 12372

This final rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation, which may require consultation with State and local officials. A notice of final rule entitled ''Department Programs and Activities Excluded from Executive Order 12372,'' (50 FR 47034) exempted RUS loans and loan guarantees to from coverage under this order.

Executive Order 12866

This rule falls under the category of regulations, ''Rural Electrification Administration (REA) rules concerning standards and specification for construction and materials,'' and is exempted from the Office of Management and Budget (OMB) review for purposes of Executive Order 12866 and, therefore, has not been reviewed by OMB.

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. RUS has determined that this rule meets the applicable standards provided in section 3 of the Executive Order. In addition, all state and local laws and regulations that are in conflict with this rule will be preempted, no retroactive effort will be given to this rule, and, in accordance with Sec. 212(e) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. Sec. 6912(e)), administrative appeal procedures, if any, must be exhausted before an action against the Department or its agencies may be initiated.

Executive Order 13132, Federalism

The policies contained in this final rule do not have any substantial direct effect on 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. Nor does this rule impose substantial direct compliance costs on State and local governments. Therefore, consultation with states is not required.

Information Collection and Recordkeeping Requirements

This final rule contains no new reporting or recordkeeping burdens under OMB control number 0572–0131, 7 CFR part 1728, Electric Standards and Specifications for Materials and Construction, that would require approval under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Executive Order 13371, Deregulatory Action

This final rule is not expected to be an Executive Order 13771 deregulatory action. This rule is expected to provide meaningful updates to assist with improving customer service.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

The Agency has determined that this final rule does not have a substantial direct effect on one or more Indian tribe(s) or on either the relationship or the distribution of powers and responsibilities between the Federal Government and Indian tribes. Thus,

this final rule is not subject to the requirements of Executive Order 13175. Consequently, the Agency will not conduct tribal consultation sessions.

If a Tribe has questions about the Tribal Consultation process please contact Rural Development's Native American Coordinator at (720) 544–2911 or *AIAN@wdc.usda.gov.*

USDA Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights in any program or activity conducted or funded by the Department. (Not all prohibited basis will apply to all programs and/or employment activities.) Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form (PDF), found online at *http://www.ascr.usda.gov/complaint_filing_cust.html,* or at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992 to request the form. Submit your completed complaint form or letter to USDA by: (1) Mail at U.S. Department of Agriculture, Office of Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410, by Fax (202) 690–7442 or Email at *program.intake@usda.gov.*

USDA is an equal opportunity provider, employer, and lender.

Regulatory Flexibility Act Certification

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since the Rural Utilities Service is not required by 5 U.S.C. 551 *et seq.* or any other provision of the law to publish a notice of proposed rulemaking with request to the subject matter of this rule.

Catalog of Federal Domestic Assistance

The program described by this final rule is listed in the Catalog of Federal Domestic Assistance Programs under No. 10.850, Rural Electrification Loans and Loan Guarantees. This catalog is available on a subscription basis from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402–9325, telephone number (202) 512–1800.

Unfunded Mandates

This final rule contains no Federal Mandates (under the regulatory provision of title II of the Unfunded Mandates Reform Act of 1995 [2 U.S.C. Chapter 25]) for State, local, and tribal governments or the private sector. Thus, this proposed rule is not subject to the requirements of sections 202 and 205 of the Unfunded Mandates Reform Act of 1995.

E-Government Act Compliance

RUS is committed to the E-Government Act, which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible.

National Environmental Policy Act Certification

The Administrator of RUS has determined that this final rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

Background

Pursuant to the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 *et seq.*), the Rural Utilities Service (RUS) is amending Title 7 CFR Chapter XVII, Part 1728, Electric Standards and Specifications for Materials and Construction, by making changes to *7 CFR 1728.97, Incorporation by reference of electric standards and specifications, RUS Bulletin 1728F–806 (D–806),* ''*Specifications and Drawings for Underground Electric Distribution*'' *(incorporation approved for 7 CFR 1728.98).* These changes are necessary in order to digitize RUS accounting, clarify RUS requirements, update current standards and practices, and improve customer service.

RUS maintains a system of bulletins that contain construction standards and specifications for materials and equipment which must be complied when system facilities are constructed by RUS electric and telecommunications borrowers in accordance with the RUS loan contract. These standards and specifications contain standard construction units and material items and equipment units commonly used in RUS electric and telecommunications borrowers' systems. The bulletin listed below is incorporated by reference in 7 CFR 1728.97. The Director of the Federal Register approves the incorporations by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A notice of any change in this material will be published in the Federal Register. Copies of this bulletin are available to the public at the following web address: *https://www.rd.usda.gov/publications/regulations-guidelines/bulletins/electric.*

The materials incorporated by reference may be inspected at the Rural Utilities Service, Stop 1520, Room 5820–S, Washington, DC 20250–1522, call (202) 720–8674. The RUS bulletin 1728F–806 (D–806) is available from the Rural Utilities Service, Room 1246 -S, U.S. Department of Agriculture, Washington, DC 20250. For information on the availability of this material, call (202) 720–8674.

The following is a summary of the changes that are included in this final rule:

1. For consistency with RUS policy and practices, the drawings are renumbered to reflect RUS other construction standards and specifications. This will allow the digitizing of accounting records.

2. To keep abreast with the industry practices and respond to the stakeholders interest, cable-in-conduit and outdoor lighting construction standard and specification are added. These practices are common industry wide but are not currently available from RUS.

3. To enforce this rule as a standard, the term ''must'' is replaced by ''shall'' throughout the rule where applicable.

4. As requested by the stakeholders, the term ''borrower'' is replaced by ''owner'' throughout the rule where applicable.

5. The high potential test is an obsolete practice and removed.

6. For 11 drawings, UA1 through UC2–2, cable riser shield is removed and separated into new UP unit.

7. For 5 drawings, UG6 through UG17–3, combinations of elbows, arresters, and connector blocks are added.

8. Due to obsolete practices, the following drawings are removed: UM3–44, UM3–45, UM3–46, UM5–6, UM5–6A, UM6–35, UM6–36, UM7–1, UM8–5, UM8–6, UM8–7, UM9–2, UM12, UM48–3, UM48–4, UX7.

9. Three new drawings for Single Phase Riser Pole Assembly Units, UA4, UA.G, and UA1.USG, are added.

10. Two new drawings for Two Phase Riser Pole Assembly Units, UB5 and UB6, are added.

11. Eight new drawings for Three Phase Riser Pole Assembly Units, UC3, UC4, UC5, UC7.1, UC7.3, UC7.4, UC8.1, and UC8.2, are added.

12. Six new drawings for Foundation and Assembly Units, UF.PBC, UF.PBN, UF3.BC, UF3.BN, UF3.PN, and UF3.VC, are added.

13. Five new drawings for Transformer Assembly Units, UG1.01, UG1.02, UG1.2, UG3.01, and UG3.02, are added.

14. Four new drawings for Grounding Assembly Units, UH2.0, UH2.2, UH2.7, and UH4.1G, are added.

15. Two new drawings for Secondary Assembly Units, UJ3.3 and UJ4.3, are added.

16. Three new drawings for Service Assembly Units, UK2.1, UK2.2, and UK4, are added.

17. Five new drawings for Miscellaneous Assembly Units, UM1.XX, UM3, UM6.JN6226, UM6.PKG, and UM6.RK, are added.

18. Two new drawings for Outdoor Lighting Assembly Units, UO1 and UO2, are added.

19. Eight new drawings for System Protection Assembly Units, UP7.04, UP7.B1, UP7.B2, UP7.B3, UP7.C, UP7.FC, UP7.UG, and UP8, are added.

20. A new drawing for Metering Assembly Units, UQG, is added.

21. A new drawing for Recloser Assembly Units, UR3, is added.

22. A new drawing for Sectionalizing Assembly Units, US1.DC, is added.

23. Four new drawings for Trench Assembly Units, UT2, UT3, UT4, and UT5, are added.

24. Four new drawings for Voltage Control Assembly Units, UY1.1XX, UY1.1.XXSW, UY3.2L, and UY3.3L, are added.

List of Subjects in 7 CFR Part 1728

Electric power, Incorporation by reference, Loan programs-energy, Rural areas.

Accordingly, for reasons set forth in the preamble, chapter XVII, title 7, the Code of Federal Regulations is amended as follows:

PART 1728—ELECTRIC STANDARDS AND SPECIFICATIONS FOR MATERIALS AND CONSTRUCTION

■ 1. The authority citation for part 1728 continues to read as follows:

Authority: 7 U.S.C. 901 *et seq.,* 1921 *et seq.,* 6941 *et seq.*

■ 2. Revise § 1728.97(a)(24) to read as follows:

§ 1728.97 Incorporation by reference of electric standards and specifications.

* * * * *

(a) * * *

(24) Bulletin 1728F–806 (D–806) Specifications and Drawings for Underground Electric Distribution, October 11, 2018, incorporation approved for § 1728.98.

* * * * *

■ 3. Revise § 1728.98(a)(24) to read as follows:

§ 1728.98 Incorporation by reference of electric standards and specifications.

(a) * * *

(24) Bulletin 1728F–806 (D–806) Specifications and Drawings for Underground Electric Distribution), October 11, 2018.

* * * * *

Dated: October 31, 2018.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2018–24248 Filed 11–5–18; 8:45 am]

BILLING CODE ;P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 700, 701, 702, 703, 713, 723, and 747

RIN 3133–AE90

Risk-Based Capital

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule; supplemental.

SUMMARY: The NCUA Board (Board) is amending the NCUA's previously revised regulations regarding prompt corrective action (PCA). The final rule delays the effective date of the NCUA's October 29, 2015 final rule regarding risk-based capital (2015 Final Rule) for one year, moving the effective date from January 1, 2019 to January 1, 2020. During the extended delay period, the NCUA's current PCA requirements will remain in effect. The final rule also amends the definition of a ''complex'' credit union adopted in the 2015 Final Rule for risk-based capital purposes by increasing the threshold level for coverage from $100 million to $500 million. These changes provide covered credit unions and the NCUA with additional time to prepare for the rule's implementation, and exempt an additional 1,026 credit unions from the risk-based capital requirements of the 2015 Final Rule without subjecting the National Credit Union Share Insurance Fund (NCUSIF) to undue risk.

DATES: The effective date of the final rule published on October 29, 2015 (80 FR 66625) is delayed until January 1, 2020. In addition, the amendments to § 702.103 in this final rule are effective on January 1, 2020.

FOR FURTHER INFORMATION CONTACT: *Policy and Analysis:* Julie Cayse, Director, Division of Risk Management, Office of Examination and Insurance, at (703) 518–6360; Kathryn Metzker, Risk Officer, Division of Risk Management, Office of Examination and Insurance, at (703) 548–2456; Julie Decker, Risk Officer, Division of Risk Management, Office of Examination and Insurance, at (703) 518–3684; Aaron Langley, Risk Management Officer, Data Analysis Division, Office of Examination and Insurance, at (703) 518–6387; *Legal:* John Brolin, Senior Staff Attorney, Office of General Counsel, at (703) 518–6540; or by mail at National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NCUA's primary mission is to ensure the safety and soundness of federally insured credit unions. The agency performs this function by examining and supervising all Federal credit unions, participating in the examination and supervision of federally insured, state-chartered credit unions in coordination with state regulators, and insuring members' accounts at federally insured credit unions.[1] In its role as administrator of the NCUSIF, the NCUA insures and regulates 5,573 federally insured credit unions, holding total assets exceeding $1.4 trillion and serving approximately 111 million members.[2]

At its October 2015 meeting, the Board issued the 2015 Final Rule to

[1] As of December 31, 2017, within the nine states that allow privately insured credit unions, approximately 116 state-chartered credit unions are privately insured and are not subject to the NCUA's regulation and oversight.

[2] Based on December 31, 2017 Call Report Data.

amend Part 702 of the NCUA's current PCA regulations to require that credit unions taking certain risks hold capital commensurate with those risks.[3] The risk-based capital provisions of the 2015 Final Rule apply only to federally insured, natural-person credit unions with quarter-end total assets exceeding $100 million. The overarching intent of the 2015 Final Rule is to reduce the likelihood that a relatively small number of high-risk outlier credit unions would exhaust their capital and cause large losses to the NCUSIF. Under the Federal Credit Union Act (FCUA), federally insured credit unions are collectively responsible for replenishing losses to the NCUSIF.[4]

The 2015 Final Rule restructures the NCUA's current PCA regulations and makes various revisions, including amending the agency's risk-based net worth requirement by replacing the risk-based net worth ratio with a new risk-based capital ratio for federally insured, natural-person credit unions (credit unions). The risk-based capital requirements set forth in the 2015 Final Rule are more consistent with the NCUA's risk-based capital ratio measure for corporate credit unions and, as the law requires, are more comparable to the regulatory risk-based capital measures used by the Federal Deposit Insurance Corporation (FDIC), Board of Governors of the Federal Reserve System, and Office of the Comptroller of Currency (Other Banking Agencies). The 2015 Final Rule also eliminates several provisions in the NCUA's current PCA regulations, including provisions related to the regular reserve account, risk-mitigation credits, and alternative risk weights.

The Board originally set the effective date of the 2015 Final Rule for January 1, 2019 to provide credit unions and the NCUA with sufficient time to make the necessary adjustments—such as systems, processes, and procedures—and to reduce the burden on affected credit unions.

On August 8, 2018, the Board published a proposed rule[5] (the Proposal) to amend the NCUA's 2015 Final Rule by (1) delaying the effective date of the rule until January 1, 2020; and (2) increasing the threshold level for coverage for NCUA's risk-based capital requirements from $100 million to $500 million by amending the definition of a ''complex'' credit union. This final rule adopts all the provisions in the Proposal with only one minor change, which is discussed in detail below.

II. The Final Rule and Public Comments on the Proposed Rule

The NCUA received 38 comment letters in response to its August 8, 2018 Proposal. These comment letters were received from credit union trade associations, Federal credit unions, state credit unions, state and regional credit union leagues, and other individuals.

A. Delayed Effective Date of the 2015 Final Rule

The Board initially established the effective date of the 2015 Final Rule as January 1, 2019 to provide credit unions and the NCUA with an extended period to make necessary adjustments to systems, processes, and procedures, and to reduce the burden on affected credit unions in meeting the new requirements. Based on feedback from the credit union community and agency staff, and the fact that the agency proposed changing the definition of a complex credit union, the Board proposed delaying the effective date of the 2015 Final Rule by one year, from January 1, 2019 to January 1, 2020. The Board believed extending the effective date was necessary and beneficial, and would provide covered credit unions with additional time to adjust systems, processes, and procedures affected by the requirements of the 2015 Final Rule.

Under the Proposal, the NCUA's current PCA regulation would have remained in effect until the 2015 Final Rule's proposed new effective date, January 1, 2020. The NCUA would have continued to enforce the capital standards currently in place and addressed any supervisory concerns through existing regulatory and supervisory mechanisms during the extended implementation period. The Board believed that, given the facts above, extending the implementation period of the 2015 Final Rule for an additional year would be reasonable and would not pose undue risk to the NCUSIF.

Public Comments on the Proposed Delay

Fourteen commenters explicitly supported delaying the implementation of the 2015 Final Rule until January 1, 2020 to allow the NCUA additional time to provide early guidance on new reporting requirements, and to help mitigate any potential impact the 2015 Final Rule may have on the credit union industry. Twenty two of the commenters stated that they appreciated the delay, but believed the delay should be longer. Of those commenters, all suggested that the delay should be for at least two years, with a few suggesting that more than two years might be appropriate. A number of commenters remarked that a two-year delay would be consistent with the timeframe set forth in legislation currently before Congress, such as section 701 of H.R. 5841, and suggested that the two-year delay was necessary to provide credit unions and the agency sufficient time to implement necessary systems, processes, and procedures. Three commenters suggested the 2015 Final Rule should be delayed for two years or more to give credit unions adequate time to make the necessary adjustments to meet the 10 percent risk-based capital target. Two commenters suggested that, in light of the health of the credit union system, the NCUA can afford to provide even more time, on a reasonable basis, to facilitate the development of its own examiners, as well as provide additional time for covered credit unions to make any strategic and operational changes they need to prepare for risk-based capital implementation. Two commenters suggested the 2015 Final Rule should be delayed two years or more to give credit unions time to understand and coordinate compliance with the Financial Accounting Standards Board's final current expected credit loss (CECL) standard, and its relation to the requirements of the 2015 Final Rule.

Two commenters recommend the proposed one year delay be expanded to include the grandfathering of the ''excluded goodwill'' and ''excluded other intangible assets'' provisions of the 2015 Final Rule, which are currently set to expire on January 1, 2029. In particular, the commenters suggested that the proposed delay of the 2015 Final Rule should also apply to the ten-year deferral period associated with supervisory mergers (example: The January 1, 2029 effective date should be adjusted to January 1, 2030). The commenters suggested this additional time would benefit credit unions that hold a significant amount of excluded goodwill or other intangible assets, as those terms are defined in the 2015 Final Rule.

Eight commenters recommended delaying implementation of the risk-based capital rule until revisions to the NCUA's regulations regarding

[3] 80 FR 66625 (Oct. 29, 2015).

[4] *See* 12 U.S.C. 1782(c)(2)(A) (The FCUA requires that each federally insured credit unions to pay a Federal share insurance premium equal to a percentage of the credit union's insured shares to ensure that the NCUSIF has sufficient reserves to pay potential share insurance claims by credit union members, and to provide assistance in connection with the liquidation or threatened liquidation of federally insured credit unions in troubled condition.).

[5] 83 FR 38997 (Aug. 8, 2018).

alternative capital [6] are finalized. Commenters stated a delay would give the NCUA time to finalize an alternative capital rule permitting credit unions additional ways to increase capital to meet the risk-based capital requirements.

Discussion of Delay in Implementation

Several commenters recommended delaying implementation of the 2015 Final Rule to be consistent with legislation before Congress. The Board is aware there are bills before Congress that would extend the effective date of the 2015 Final Rule for two years; [7] however, the Board continues to believe a one-year delay is sufficient. Since the 2015 Final Rule was issued in final form, covered credit unions and the NCUA have had more than three years to prepare for its implementation. Providing credit unions an additional year before implementing the 2015 Final Rule, making the total implementation period four years, should be more than sufficient to allow credit unions to incorporate the changes in the definition of complexity made under this final rule. Further, the change made by this final rule to the definition of complex credit union substantially reduces the number of credit unions subject to the 2015 Final Rule's risk-based capital requirements. Since the 2015 Final Rule was approved in October 2015, the cumulative net worth of credit unions with more than $500 million in assets has grown by more than 34 percent.[8] Credit unions that meet the definition of complex already hold, on average, more than 17 percent capital, or 70 percent more than the 10 percent required to be well-capitalized under the rule.[9] Accordingly, the Board believes the proposed delay of one-year will provide the NCUA and covered credit unions with more than enough time to make the necessary system changes, and provide guidance and training to implement the 2015 Final Rule by January 1, 2020.

Additionally, while the Board recognizes that CECL will have an impact on some credit unions' financial posture, it does not believe it is necessary or appropriate to wait until the implementation of the standard to implement the 2015 Final Rule's risk-based capital requirements, as some commenters requested. Under the 2015 Final Rule, all allowance for loan and lease loss (ALLL) accounts are captured in the numerator of the risk-based capital ratio, thus implementation of CECL will not be a change in the accounting and classification of the ALLL.[10] Therefore, it is not necessary to delay implementation of risk-based capital to align with the implementation of CECL.

Commenters requested that the delay of the 2015 Final Rule's effective date should also apply to the goodwill and intangible asset deferral period. The 2015 Final Rule provides credit unions with 13 years to write down, or otherwise adjust their balance sheets, to account for goodwill and other intangible assets acquired through a supervisory merger or combination before December 28, 2015.[11] Only 6 credit unions with assets greater than $500 million, report total goodwill and intangible assets of more than 1 percent of assets, and the valuation under Generally Accepted Accounting Principles (GAAP) of these existing assets will be immaterial by the end of the extended sunset date.[12] Accordingly, the Board continues to believe 13 years to respond to this change is more than sufficient for credit unions impacted.

Some commenters requested the effective date of the 2015 Final Rule be delayed to coincide with possible changes to supplemental capital rules. As noted in the 2015 Final Rule, the NCUA plans to address additional forms of supplemental capital in a separate proposed rule. In February 2017, the NCUA issued an advanced notice of proposed rulemaking for alternative capital,[13] and the NCUA's Regulatory Review Task Force agenda, published in August 2017, addresses the NCUA's intent with regard to the 2015 Final Rule, with approximately 99 percent of complex credit unions holding enough capital to meet the risk-based capital requirements. Accordingly, the NCUA believes further delay of the 2015 Final Rule to provide time for the implementation of an alternative capital rule is not necessary.

For the reasons discussed above, the NCUA continues to believe that extending the effective date of the 2015 Final Rule by one year is necessary, will benefit the credit union industry and the NCUA, and will not pose an undue risk to the NCUSIF. Accordingly, this final rule amends the 2015 Final Rule to delay its effective date until January 1, 2020.

B. Definition of ''Complex'' Credit Union

Under § 702.103 of the NCUA's 2015 Final Rule, a credit union was defined as ''complex'' and the NCUA's risk-based capital ratio measure was applicable only if the credit union's quarter-end total assets exceeded $100 million, as reflected in its most recent Call Report. Consistent with the spirit and intent of Executive Order 13777, the NCUA further analyzed the impact of the NCUA's risk-based capital requirements and the portfolios of assets and liabilities of credit unions to identify potential ways to reduce regulatory burden on credit unions.[14]

Based on the NCUA's analysis, discussed in more detail below, the Board believed that $500 million in total assets would be a more appropriate threshold level for defining a complex credit union. Increasing the threshold level to $500 million in total assets would reduce regulatory burden on credit unions by more closely tailoring the applicability of the NCUA's risk-based capital requirement to cover only those credit unions that, if they failed, individually could present an undue risk of loss to the NCUSIF. This amendment would exempt an additional 1,026 credit unions—a total of 90 percent [15] of all credit unions—from the 2015 Final Rule's risk-based capital requirements. However, approximately 85 percent of the complex assets and liabilities and 76 percent of the total assets in the credit union system would still be subject to the risk-based capital requirement.[16] Accordingly, consistent with requirements of section 216(d)(1) of the

[6] Commenters referred to secondary capital, supplemental capital, and alternative capital.

[7] *See, e.g.,* Section 701 of H.R. 5841 (If passed, the bill would delay the 2015 Final Rule, which defines complex credit unions as those with greater than $100 million in total assets, for two years past its current effective date.).

[8] Based on December 31, 2017 Call Report Data.

[9] Based on December 31, 2017 Call Report Data. Under the 2015 Final Rule, credit unions with total assets greater than $100 million hold more than 18 percent capital, or 80 percent more than the 10 percent capital required, to be well-capitalized under the risk-based capital standard. Under this final rule 6 credit unions are required to hold additional capital, representing 1 percent of the complex credit unions.

[10] Credit unions can early adopt CECL as soon as 2019; thus, it is not necessary to delay implementation of the 2015 Final Rule's risk-based capital requirements.

[11] 80 FR 66625, 66648, 66707 (Oct. 29, 2015).

[12] Based on December 31, 2017 Call Report Data.

[13] 82 FR 9691 (Feb. 8, 2017).

[14] The Board has always intended to periodically review the threshold of a complex credit union, as noted in the preamble to the 2015 proposed Risk Based Capital Rule. 80 FR 4339, 4378 (January 27, 2015).

[15] Based on December 31, 2017 Call Report data. For comparison, if the threshold were to remain at $100 million about 72 percent of all credit unions would be exempt.

[16] For comparison, if the threshold were to remain at $100 million about 98 percent of the complex assets and liabilities and 93 percent of the total assets in the credit union system would be subject to the risk-based capital requirement.

FCUA, proposed § 702.103 provided that, for purposes of § 702.102, a credit union is defined as ''complex,'' and a risk-based capital ratio requirement is applicable, only if the credit union's quarter-end total assets exceed $500 million, as reflected in its most recent Call Report.

The $100 million asset threshold adopted in the 2015 Final Rule for determining whether a credit union is complex was based on a complexity index (original complexity index or OCI). The OCI counted the number of complex products and services provided by credit unions based on the following indicators:

- Member Business Loans
- Participation Loans
- Interest-Only Loans
- Indirect Loans
- Real Estate Loans
- Non-Federally Guaranteed Student Loans
- Investments with Maturities of Greater than Five Years (where the investments are greater than one percent of total assets)
- Non-Agency Mortgage-Backed Securities
- Non-Mortgage Related Securities With Embedded Options
- Collateralized Mortgage Obligations/ Real Estate Mortgage Investment Conduits
- Commercial Mortgage-Related Securities
- Borrowings (Draws Against Lines of Credit, Borrowing Repurchase Transactions, Other Notes, Promissory Notes, and Interest Payable)
- Repurchase Transactions
- Derivatives
- Internet Banking

As discussed in more detail in the 2015 Final Rule, these products and services were determined by the NCUA to be good indicators of complexity.[17]

The Board proposed revising the original complexity index (revised complexity index or RCI), and to apply a new complexity ratio (complexity ratio or CR) for analyzing the portfolios of assets and liabilities of credit unions to determine which were ''complex.'' The RCI would have amended 6 of the indicators in the original complexity index so the index would more accurately reflect ''complexity'' in credit unions and take into account certain regulatory changes that were made after the 2015 Final Rule was approved. The revised complexity index was the same as the original complexity index, with the following six changes:

- It replaced the indicator for ''member business loans'' with an indicator for ''commercial loans'' to reflect changes to the NCUA's member business lending rule,[18] and current Call Report data collection requirements.
- It replaced the indicator for ''participation loans'' (which included participation loans sold and participation loans held) with an indicator for ''participation loans sold'' to restrict the indicator to the most complex component of participation loans.
- It replaced the indicator for ''interest-only loans'' to exclude first-lien mortgages. The remaining interest only loans include complex payment options. For example, only requiring monthly payments of interest during draw periods.
- It removed the indicator for ''internet banking'' because it has become a typical mechanism for members to transact business with most credit unions, with 78 percent of credit unions engaging in some type of internet banking. Also, it is not an asset or liability—therefore there is no suitable way to translate the volume into a financial measure for purposes of defining complex.
- It removed the indicator for ''investments with maturities greater than five years (where the investments are greater than one percent of total assets)'' because the indicator is adequately captured in the other index components.
- It replaced the indicator for ''real estate loans (where the loans are greater than five percent of assets and/or sold mortgages)'' with an indicator for ''sold mortgages'' to account for the most complex component of real estate loans.

The NCUA believed the revised complexity index would provide a more accurate methodology, based on the assets and liabilities of credit unions, for identifying when credit unions engage in complex activities and defining credit unions as ''complex.'' Among credit unions with $500 million or more in total assets, 100 percent engage in at least one complex activity, and 96 percent engage in three or more complex activities.[19]

In addition to the RCI, the Board also proposed to use a ratio of complex assets and liabilities to total assets (complexity ratio or CR) to evaluate the extent to which credit unions are involved in complex activities. The CR, when used in conjunction with the revised complexity index, took into account the volume of the complex activity engaged in by complex credit unions and provided a more accurate measure of credit union complexity.[20] The numerator of the CR was the dollar value sum of the complex assets and the liabilities held by a credit union, where complex assets and liabilities are determined using the same complexity indicators as used in the RCI. The denominator of the CR was the total assets of the credit union.

Credit unions with greater than $500 million in total assets held complex assets and liabilities as a larger share of their total assets than smaller credit unions.[21] The complexity ratio increased from 23 percent among credit unions with less than $500 million in total assets to 40 percent among credit unions with more than $500 million in total assets. Of the $497 billion in complex assets and liabilities in the credit union system, $423 billion (85 percent)—the majority of complex assets and liabilities in the credit union system—were held among credit unions with more than $500 million in total assets.[22]

Larger credit unions were much more likely to have a significant share of their balance sheet in complex assets and liabilities.[23] Nearly all credit unions (95 percent) with more than $500 million in total assets have complex assets and liabilities greater than 10 percent of their total assets, and 66 percent have

[17] 80 FR 66625, 66663 (Oct. 29, 2015). The 2015 Final Rule states ''For the purpose of defining a complex credit union, assets include tangible and intangible items that are economic resources (products and services) that are expected to produce economic benefit (income), and liabilities are obligations (expenses) the credit union has to outside parties. The Board recognizes there are products and services—which under GAAP are reflected as the credit union's portfolio of assets and liabilities—in which credit unions are engaged that are inherently complex based on the nature of their risk and the expertise and operational demands necessary to manage and administer such activities effectively. Thus, credit unions offering such products and services have complex portfolios of assets and liabilities for purposes of NCUA's risk-based net worth requirement.''

[18] *See* 12 CFR 723.2; *and* 81 FR 13529, 13538 (March 14, 2016).

[19] Based on December 31, 2017 Call Report data.

[20] *See* 80 FR 66625, 66661 (Oct. 29, 2015) (As pointed out by at least one commenter, credit unions should not be considered complex unless complex activities are undertaken in significant volumes. The commenter provided the following example: A credit union that lends a member $60,000 to purchase new equipment for his bakery is engaged in member business lending, but that credit union should not be designated as complex by virtue of that single loan—assuming it is not a significant share of the credit union's assets.).

[21] Based on December 31, 2017 Call Report data.

[22] Credit unions with total assets between $250 million and $500 million hold a higher share of their portfolio in complex assets (32 percent) than the entire group of credit unions below $500 million in total assets (23 percent), but it remains below the share of complex assets in credit unions above $500 million in assets (40 percent).

[23] Based on December 31, 2017 Call Report data.

complex assets and liabilities greater than 30 percent of their total assets.

In general, two-thirds of credit unions with more than $500 million in total assets had complex assets and liabilities ratios above 30 percent. Only 11 percent of credit unions with less than $500 million in total assets had complexity ratios above 30 percent.[24]

Using both the proposed revised complexity index and the proposed complexity ratio to determine the appropriate threshold for defining complex credit unions would have excluded approximately 90 percent of credit unions from the risk-based capital requirement, while still covering approximately 76 percent of the assets held by federally insured credit unions.[25] Moreover, the revised definition of a complex credit union would not have represented undue risk to the NCUSIF, nor significantly decreased the level of complex assets and liabilities covered by the risk-based capital requirement. Even though the percent of total assets covered by the rule would have fallen from 93 percent [26] to 76 percent when compared to the $100 million threshold adopted in the 2015 Final Rule,[27] 85 percent of complex assets and liabilities would have still been covered under the proposal.

In addition, if the historical trends in changes to the composition of the credit union community continue, the NCUA found that the share of total assets covered under the Proposal would have risen in the future, potentially reaching 90 percent of total assets within the next 10 years. The higher asset threshold also would have still captured those credit unions that, if they failed, could have individually presented an undue risk of loss to the NCUSIF. If the historical trends in changes to the composition of the credit union community continue and historical probability of failure and loss given failure rates (excluding fraud related failures) for credit unions with total assets between $100 and $500 million and those with total assets over $500 million remain the same, the NCUA found that total losses to the NCUSIF over the next 10 years would likely be significantly larger for credit unions with more than $500 million in total assets than for those with total assets between $100 million and $500 million.

Under the 2015 Final Rule, an estimated 505 credit unions would have faced higher required capital levels as a result of risk-based capital requirements. These 505 credit unions had total assets of $439 billion and the 2015 Final Rule would have raised their required capital levels by approximately $800 million above what is required by the net worth ratio.[28] Under the proposal, the 284 credit unions with total assets between $100 and $500 million would have no longer have been required to hold higher capital levels as a result of risk-based capital requirements. However, as reflected in Table 1, the Proposal would still capture most of the credit union assets subject to higher capital requirements, and incremental capital required by risk-based capital requirement, under the 2015 Final Rule.

TABLE 1—CREDIT UNIONS BOUND BY RISK-BASED CAPITAL, 2017Q4 CALL REPORT DATA

Asset category	Number of complex credit unions bound by risk-based capital	Capital required over the net worth ratio (million)	Total assets (billion)
Assets $100M–$500M	284	$165	$69
Assets >$500M	221	635	370

Under the Proposal, the NCUA found that exempting credit unions with total assets between $100 million and $500 million represented approximately 16 percent of the total assets of credit unions with required capital levels above what is required by the net worth ratio, and about 21 percent of the incremental capital the system is required to hold under the 2015 Final Rule. The Proposal, however, still encompassed approximately 84 percent of the total assets of credit unions with required capital levels above what was required by the net worth ratio, and almost 80 percent of the incremental capital the system was required to hold under the 2015 Final Rule.

Under the 2015 Final Rule, a net of 20 credit unions with total assets of $11.5 billion would have a lower PCA classification with a capital shortfall of $84 million.[29] Under the proposal, 6 credit unions (net) with total assets of $8.8 billion would have had a lower PCA classification and a capital deficiency of $71 million. Thus, the Proposal encompassed approximately 80 percent of the downgraded credit union assets and approximately 85 percent of the capital shortfall for those institutions.

The Board also noted in the Proposal that the NCUSIF is much stronger today than it was in 2015 when the agency passed the 2015 Final Rule. The equity ratio of the NCUSIF was 1.29 percent in 2015.[30] As of June 30, 2018, the NCUSIF equity ratio was 1.35 percent, including the equity distribution of approximately $736 million paid to credit unions on July 23, 2018.[31] The total funds held in the NCUSIF as of June 30, 2018, are approximately $15 billion after the equity distribution, about $2.6 billion more than the $12.3 billion held in the fund in 2015.[32]

Public Comments on the Proposed Definition of Complex Credit Union

Twelve commenters stated they agreed with increasing the threshold

[24] Credit unions with total assets between $250 million and $500 million are more likely to have a CR greater than 10 percent (88 percent) than the entire group of credit unions below $500 million in total assets (29 percent), but it remains below the share of complex assets in credit unions above $500 million in assets (95 percent). Further, the difference widens significantly for CRs above 10 percent. Less than half (47 percent) of credit unions with total assets between $250 million and $500 million have a CR greater than 30 percent, whereas over two-thirds of credit unions with more than $500 million in total assets have a CR greater than 30 percent.

[25] Based on December 31, 2017 Call Report data.

[26] Based on December 31, 2017 Call Report data, 93 percent of credit union assets would be covered based on the $100 million threshold established by the 2015 Final Rule.

[27] Based on December 31, 2017 Call Report data.

[28] Based on December 31, 2017 Call Report data. It is important to note that almost all of these credit unions already hold enough capital to meet either the risk-based capital requirement or the net-worth-based capital requirement.

[29] Based on December 31, 2017 Call Report Data.

[30] At the time the 2015 Final Rule was approved by the Board.

[31] The June 30, 2018 Retained Earnings was decreased to reflect the equity distribution of $735.7 million payable to insured credit unions in the third quarter of 2018 as declared at the February 2018 Open Board Meeting.

[32] The June 30, 2018 NCUSIF balance is based on the Preliminary and Unaudited Financial Highlights. The 2015 NCUSIF balance at the time the 2015 Final Rule was approved by the Board.

level for defining a credit union as complex from $100 million in total assets to $500 million in total assets as proposed. All but one of the other commenters stated they supported increasing the threshold, but suggested that the threshold level should be higher. Four commenters suggested that the asset size threshold should be increased to $1 billion. One of those commenters pointed out that the NCUA's data shows 53 percent of credit unions with assets between $500 million and $750 million engage in six or more complex activities; however, for credit unions with assets greater than $1 billion, this number increases to 77 percent. In addition, the commenter also suggested that Congress' directive to the NCUA for designing the risk-based capital requirement was to address those risks for which the standard leverage ratio was insufficient and to base its definition of ''complex'' credit unions ''on the portfolios of assets and liabilities of credit unions;'' and that a $1 billion complexity threshold would more closely align with the spirit of the Federal Credit Union Act.

With regard to the proposed $500 million threshold, two commenters stated that the NCUA's data does not provide a complexity ratio categorization at other asset levels. They recommend the NCUA consider how the complexity ratio for credit unions with $500 million in total assets compares to those with $1 billion in total assets, and requested that such information be provided and considered in setting the asset size threshold.

Eleven commenters recommend the threshold level be raised to $10 billion, which they pointed out would align with both the NCUA's Office of National Examinations and Supervision (ONES) and the Bureau of Consumer Financial Protection (BCFP) supervisory authorities. They also suggested a $10 billion threshold would provide several additional credit unions with regulatory relief, while still protecting the NCUSIF from larger, more impactful losses. One commenter suggested that having different asset thresholds among rules from myriad departments and divisions across Federal and state regulatory bodies contributes to duplicative and inconsistent oversight. One commenter suggested that raising the asset threshold for complex credit unions to $10 billion would be consistent with the recommendations of the U.S. Department of Treasury and with the thresholds set by the NCUA and other Federal regulatory agencies.[33] One commenter suggested that a $10 billion threshold was appropriate because of recent easing of regulatory oversight that has taken place in the banking sector. The commenter suggested that with the recent enactment of S.2155, which increased the Dodd-Frank Act threshold for bank holding company enhanced prudential standards from $50 billion in assets to $250 billion, credit unions are increasingly forced to compete with large banking organizations, whose hundreds-of-attorneys-strong compliance and economic departments dwarf the average two to five compliance personnel at a credit union with $500 million in total assets. The commenter suggested further that, even a credit union with $500 million in assets, risk-based capital compliance will be an additional layer of regulatory compliance filings, which removes personnel from the Main Street-focused business of community lending.

One commenter objected to raising the threshold, suggesting that, of the 10 costliest natural person credit union failures to the NCUSIF, nearly all resulted from credit unions with less than $500 million in total assets. In addition, the commenter suggested the proposed increase in the asset size threshold to $500 million in assets would exclude 17 credit unions with CAMEL codes of 4 or 5 and 105 credit unions with a CAMEL code of 3 from the risk-based capital rule, based on March 2018 data. The commenter suggested these 122 credit unions have approximately $21.4 billion in insured shares, and any credit union with a CAMEL code of 3 or more should be subject to a risk-based capital requirement to help limit losses to the NCUSIF arising from the potential failure of these credit unions and future premium assessments to the NCUSIF. The commenter also pointed out that, while credit unions with less than $500 million in total assets may not pose a systemic risk to the NCUSIF, losses to the NCUSIF from the failure of credit unions excluded from the cap could result in premium assessments for all credit unions. As an alternative, the commenter recommended the NCUA should authorize credit unions with at least $100 million in total assets to substitute a higher leverage ratio for the risk-based capital requirement—consistent with section 216 of the Federal Credit Union Act[34] and Section 201 of the Economic Growth, Regulatory Relief, and Consumer Protection Act,[35] which mandates that the Federal banking agencies establish a community bank leverage ratio of tangible equity to average consolidated assets of not less than eight percent and not more than ten percent for banks with less than $10 billion in total consolidated assets.

Two commenters specifically stated their support for using a single asset-size threshold, based on a complexity index and complexity ratio. One suggested using a single asset-size threshold allows for some differentiation between credit unions without making the rule overly complex. The other suggested that using a single asset-size threshold was appropriate because smaller credit unions do not normally have the size or capacity to make large commercial loans, sell participation loans, or get involved with complex transactions.

Ten commenters specifically objected to using a single asset-size threshold, based on a complexity index and complexity ratio. Four commenters stated that assets should not be the only consideration when assessing the complexity of a credit union because such an approach does not sufficiently capture the risk-based complexities of a given credit union's balance sheet or activities. One stated it was wary of legislative or regulatory thresholds that are foreseeably likely to be outdated nearly as soon as the **Federal Register** ink is dry given the speed of technological innovation. One pointed out that, in the preamble to the proposal, the NCUA stated it will address material-risk capital levels for credit unions $500 million in assets and below through the supervisory process. The commenter suggested that, for credit unions that are deemed ''complex,'' the NCUA should utilize its supervisory authority to exempt, on a case-by-case basis, credit unions whose net worth ratios provide adequate protection from material risks irrespective of asset size. One commenter asked, if a credit union has over $500 million in assets, but has a very low complexity ratio, why should they need to reserve additional capital based on the riskiness of their business? The commenter suggested there should be a threshold complexity ratio, under which a credit union would be exempt from the NCUA's risk-based capital requirement, regardless of asset size. If not, the commenter stated, the

[33] A FINANCIAL SYSTEM THAT CREATES ECONOMIC OPPORTUNITIES: BANKS AND CREDIT UNIONS, U.S. DEP'T OF THE TREASURY 59 (2017) (''NCUA should revise the risk-based capital requirements to only apply to credit unions with total assets in excess of $10 billion or eliminate altogether risk-based capital requirements for credit unions satisfying a 10% simple leverage (net worth) test.''), available at *https://www.treasury.gov/press-center/press-releases/Documents/A%20Financial%20System.pdf.*

[34] 12 U.S.C. 1790d(c)(2).

[35] Public Law 115–174 (May 24, 2018).

complexity ratio is only an after-the-fact measure of risk and not a determinant of whether the risk-based capital requirement applies. The commenter also suggested that such a ratio should allow low-risk credit unions to avoid the extra reserves.

One commenter suggested that the proposed $500 million threshold should be used in combination with the actual operational complexity of individual credit unions, as measured by that credit union's RCI and CR. The commenter provided the following example, the NCUA could tailor the definition of ''complex'' to include only federally insured credit unions with assets above $500 million and an RCI and/or CR value higher than a certain threshold (*e.g.,* an RCI value of 6 or more and/or a CR of at least 45 percent). The commenter suggested this more tailored definition would ensure that credit unions would be treated as ''complex'' based not just on asset size, but also on whether a credit union actually offers a substantial amount of complex products and services.

One commenter recommended that the NCUA annually index any threshold for growth and adopt exemptions from such classification wherever possible, such as for credit unions with more traditional products and services.

One commenter suggested a better approach for identifying complexity would be to look at the business model of the credit union based on its assets and liabilities. The commenter suggested that, at a minimum, the NCUA should require credit unions that have more than a de minimis level of commercial loans be subject to the agency's risk-based capital requirements. One commenter suggested the NCUA's regulation should move to a regulatory and capital regime that recognizes two types of credit unions, those that are complex with assets greater than $500 million and those that are non-complex.

Eight commenters expressed general support for the proposed amendments to the complexity index and the development of the complexity ratio. Seven commenters stated they agreed with the NCUA's proposal to remove the indicator for internet banking from the complexity index because offering such services is not an indication of risk.

Two commenters stated they agreed with the NCUA's proposal to restrict ''participation loans'' to ''participation loans sold'' because doing so properly captures the riskier part of this business. Two commenters stated they agreed with the NCUA's proposal to replace ''member business loans'' (MBL) with ''commercial loans'' to bring this rule into conformity with recent changes in MBL rules. One commenter recommend redefining ''commercial loans'' within the list of complex products and services to exclude inherently less complex categories of such loans based on other existing regulatory requirements already in place to mitigate risks. One commenter agreed with the NCUA's proposal to replace ''real estate loans'' with ''sold mortgages'' because the proposed change better captures risk. One commenter recommended redefining ''real-estate loans'' within the list of complex products and services to exclude inherently less complex categories of such loans based on other existing regulatory requirements already in place to mitigate risks. One commenter stated they disagreed with the NCUA's proposal to remove first lien mortgages from the ''interest only loans'' indicator because interest-only loans are risky, regardless of position.

Discussion of the Definition of Complex Credit Union

Several commenters recommended changing the definition of complexity. The Board established the $500 million total asset size threshold based on the number and volume of credit unions engaged in complex activities. Section 216(d)(1) of the FCUA directs NCUA, in determining which credit unions will be subject to the risk-based net worth requirement, to base its definition of complex ''on the portfolios of assets and liabilities of credit unions.'' The statute does not require, as some commenters have argued, that the Board adopt a definition of ''complex'' that takes into account the portfolio of assets and liabilities of each credit union on an individualized basis. Rather, section 216(d)(1) authorizes the Board to develop a single definition of complexity that takes into account the portfolios of assets and liabilities of all credit unions. The Board is responsible for defining complexity and, as explained in detail above, the NCUA's proposed analysis supports defining complex credit unions as those with assets greater than $500 million in total assets.

As stated in the 2015 Final Rule and the Proposal, the Board continues to believe that using a single asset size threshold is a good proxy for complexity, simplifies the application of the rule, provides regulatory relief for small institutions, and eliminates the potential unintended consequences of having a checklist of activities that would determine whether or not a credit union is subject to the risk-based capital requirement.

Commenters further recommended tying the complexity definition to other regulatory thresholds, such as the $10 billion in total asset threshold used for assigning supervision to the NCUA's ONES and for the BCFP. The Board recognizes that various regulatory agencies, including the NCUA, have differing thresholds for establishing requirements. These thresholds are established based on fundamental elements or objectives of the particular statute or regulation in question. The NCUA set the asset size threshold size at $500 million based on the analysis of the portfolios of assets and liabilities of credit unions discussed above. In addition, it provides a balance between providing reasonable regulatory relief, and protecting the credit union system and the NCUSIF. The proposed $500 million total asset size threshold will provide relief to 90 percent of credit unions while still covering 85 percent of all complex assets and liabilities in the credit union system, and 76 percent of total assets. The NCUA's proposed methodology for determining complexity based on the portfolios of assets and liabilities of credit unions does not support increasing the threshold above $500 million as there is no significantly meaningful difference in the volume and number of complex activities above this level. Moreover, raising the threshold to $10 billion, as some commenters suggested, would only cover approximately 14 percent of the complex assets and liabilities in the credit union system and approximately 15 percent of the total assets in the credit union system.[36] Accordingly, the Board believes raising the proposed threshold further would not be consistent with the results of the NCUA's analysis of the portfolios of the assets and liabilities of credit unions and would impose an undue risk to the NCUSIF by excluding too large a percentage of the assets covered by the risk-based capital requirement.

A number of commenters requested exemptions from the definition of complex under certain circumstances, such as credit unions that do not have a very high complexity ratio, receiving a waiver on a case-by-case basis, or recognizing when a credit union's net worth ratio provides more than adequate protection for the risk. Based on the proposed approach, credit unions that meet the definition of complex must be subject to the risk-based net worth requirement, thus, a waiver provision is not possible. A simplified way of complying with the risk-based net worth requirement, such as a highly

[36] Based on December 31, 2017 Call Report data.

capitalized credit union that is not otherwise a risk outlier, would be outside the scope of this proposal.[37] This suggestion was referred to the NCUA's Regulatory Reform Task Force for further consideration.

As noted previously, the $500 million total asset threshold is based on the NCUA's analysis of the portfolio of assets and liabilities of credit unions. The NCUA's analysis took into account the number and volume of activity engaged in by credit unions. A hybrid approach to defining complexity, for example using an asset threshold in conjunction with a complexity ratio, would likely still result in credit unions with more than $500 million in assets being considered complex. The Board does not agree that only credit unions that are very complex (such as six or more complex activities) should be considered complex, as at least one commenter suggested. Also, a hybrid approach could create unintended consequences for credit unions and the NCUA, would make the rule more difficult to administer, and lead to greater regulatory burden.

A commenter recommended the definition of complexity be tied to a growth index. As required by the statute, the definition of complex is based on the NCUA's analysis of the portfolio of assets and liabilities, as previously discussed. Therefore, it is not appropriate to index the $500 million asset threshold to inflation or some other growth index. However, the Board will continue to periodically update its analysis to ensure the complexity definition reflects changes in the composition of the portfolio of assets and liabilities of credit unions.

Commenters suggested additional analysis be provided at different asset levels to further support the definition of complexity. Table 2 provides additional data on the CR at a number of different asset size thresholds above $500 million. The NCUA concluded in the Proposal that a significant level of complexity exists in credit unions with assets greater than $500 million based on the volume of activity with no meaningful distinction at higher thresholds. The Board continues to believe the $500 million threshold is appropriate as it covers the majority of complex assets and liabilities (85 percent) while providing significant regulatory relief without posing undue risk to the NCUSIF.

TABLE 2—COMPLEXITY RATIO BY ASSET CATEGORIES, 2017Q4 CALL REPORT DATA

Asset category	Complexity ratio >10 (percent)	Complexity ratio >20 (percent)	Complexity ratio >30 (percent)	Complexity ratio >40 (percent)
<$500M	29	18	11	6
$500M-$750M	92	82	58	40
$750M–$1B	96	80	65	47
$1B–$10B	96	86	71	51
>$10B	86	86	71	43

Another commenter states 53 percent of credit unions with assets between $500 million and $750 million engage in six or more complex activities; and at $1 billion this number increases to 77 percent. The commenter is referring to the RCI, as shown in Table 3, which counts the number of complex activities. The Board does not agree that only credit unions that are very complex (such as six or more complex activities) should be considered complex. The Board concludes that a significant level of complexity exists in credit unions with assets greater than $500 million based on the number and volume of complex activities.

TABLE 3—COMPLEXITY INDEX BY ASSET CATEGORIES, 2017Q4 CALL REPORT DATA [38]

Asset category	Number of credit unions	Average index value	Index>=1 (percent)	Index>=2 (percent)	Index>=3 (percent)	Index>=5 (percent)	Index>=6 (percent)
>$500M	5,042	1.5	52	35	24	10	6
$500–$750M	149	5.7	100	98	96	73	53
$750–$1B	95	6.1	100	100	97	79	64
$1B–10B	280	6.9	100	99	96	88	78
$10B+	7	8.6	100	86	86	86	71

One commenter [38] disagreed with raising the threshold for defining a complex credit union. The commenter noted the majority of the ten largest losses to the NCUSIF derived from credit unions (excluding corporate credit unions) below the $500 million threshold. The losses total approximately $723 million based on loss projections at time of the associated credit unions failures. However, the Board notes that nearly one-third of these losses were the result of fraud.[39] Risk-based capital is designed to address credit risk. It is not designed to address fraud. As previously stated, if the historical trends continue, total losses to the NCUSIF over the next 10 years will likely be larger for credit unions with more than $500 million in total assets than for those with assets between $100 million and $500 million in total assets. Accordingly, the Board continues to believe the threshold of $500 million for determining complexity captures most of the risk to the NCUSIF.

The Board disagrees with the commenter who recommended tying the risk-based capital requirements to CAMEL ratings. The CAMEL rating system is not designed to measure the complexity of the portfolio of assets and liabilities of credit unions. Rather, the CAMEL rating reflects the financial and operational condition of the credit

[37] *See, e.g.,* Pub. L. 115–174, 132 Stat. 1296 (2018) (Requiring the Federal banking agencies to establish a ''community bank leverage ratio.'').

[38] Table 3 results differ from the proposed rule as they reflect additional asset categories.

[39] Based on Material Loss Reviews conducted by the NCUA Office of Inspector General.

union on a scale of one to five. Therefore, a credit union rated CAMEL 3, 4, or 5 may not necessarily have a high degree of complexity in the composition of its assets and liabilities.

In drafting the Proposal, the NCUA reviewed the RCI indicators and restricted the indicators to only the most complex components. One commenter stated interest only-real estate loans present risk regardless of lien position. Based on this comment, the NCUA re-ran its complexity analysis with all interest-only real estate loans included in this indicator. There were no significant changes in the percent of credit unions, by total asset threshold, participating in these activities, by number and volume. The analysis continues to support defining complexity as credit unions with assets greater than $500 million. The Board agrees with the commenter's assessment of similar risk attributes and will, going forward, include first–lien, interest-only real estate loans within the interest only loan indicator.

A commenter recommended the Board redefine ''commercial loans'' to exclude inherently less complex categories of such loans. The Board continues to believe the loans defined as ''commercial loans'' in the NCUA's Regulations are complex enough to warrant inclusion as a complexity indicator. ''Commercial loans'' by definition no longer include the less complex components, including but not limited to, 1–4 family residential property secured loans not serving as the borrower's primary residence, or vehicles manufactured for household use.[40] Therefore, the Board will continue to use ''commercial loans,'' as currently defined as an indicator.

For the reasons discussed above, the NCUA continues to believe that $500 million in total assets is an appropriate threshold level for defining a credit union as ''complex,'' thereby subjecting it to the NCUA's risk-based capital requirement. As such, this final rule amends § 702.103 of the 2015 Final Rule to provide that, for purposes of § 702.102, a credit union is defined as ''complex,'' and a risk-based capital ratio requirement is applicable, only if the credit union's quarter-end total assets exceed $500 million, as reflected in its most recent Call Report.

The NCUA will continue to address any deficiencies in the capital levels of credit unions with $500 million or less in assets through the examination process.[41] Sound capital levels are vital to the long-term health of all credit unions. Credit unions need to hold capital commensurate with their risk. Balancing proper capital accumulation with product offering and pricing strategies helps ensure credit unions are able to provide affordable member services over time. Credit unions are already expected to incorporate into their business models and strategic plans provisions for maintaining prudent levels of capital.

IV. Legal Authority

In 1998, Congress enacted the Credit Union Membership Access Act (CUMAA).[42] Section 301 of CUMAA added section 216 to the FCUA,[43] which required the Board to adopt by regulation a system of PCA to restore the net worth of credit unions that become inadequately capitalized.[44] Section 216(b)(1)(A) requires the Board to adopt by regulation a system of PCA for federally insured credit unions ''consistent with'' section 216 of the FCUA and ''comparable to'' section 38 of the Federal Deposit Insurance Act (FDI Act).[45] Section 216(b)(1)(B) requires that the Board, in designing the PCA system, also take into account the ''cooperative character of credit unions'' (*i.e.,* credit unions are not-for-profit cooperatives that do not issue capital stock, must rely on retained earnings to build net worth, and have boards of directors that consist primarily of volunteers).[46] The Board initially implemented the required system of PCA in 2000,[47] primarily in part 702 of the NCUA's Regulations, and most recently made substantial updates to the regulation in October 2015.[48]

The purpose of section 216 of the FCUA is to ''resolve the problems of [federally] insured credit unions at the least possible long-term loss to the [NCUSIF].'' [49] To carry out that purpose, Congress set forth a basic structure for PCA in section 216 that consists of three principal components: (1) A framework combining mandatory actions prescribed by statute with discretionary actions developed by the NCUA; (2) an alternative system of PCA to be developed by the NCUA for credit unions defined as ''new;'' and (3) a risk-based net worth requirement to apply to credit unions the NCUA defines as ''complex.''

Among other things, section 216(c) of the FCUA requires the NCUA to use a credit union's net worth ratio to determine its classification among five ''net worth categories'' set forth in the FCUA.[50] Section 216(o) generally defines a credit union's ''net worth'' as its retained earnings balance,[51] and a credit union's ''net worth ratio,'' as the ratio of its net worth to its total assets.[52] As a credit union's net worth ratio declines, so does its classification among the five net worth categories, thus subjecting it to an expanding range of mandatory and discretionary supervisory actions.[53]

Section 216(d)(1) of the FCUA requires that the NCUA's system of PCA include, in addition to the statutorily defined net worth ratio requirement applicable to federally insured natural-person credit unions, ''a risk-based net worth [54] requirement for insured credit unions that are complex, as defined by the Board. . . .'' [55] The FCUA directs the NCUA to base its definition of ''complex'' credit unions ''on the portfolios of assets and liabilities of

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as adequately capitalized and may require an adequately capitalized or undercapitalized credit union to comply with certain mandatory or discretionary supervisory actions as if it were classified in the next lower capital category.).

[40] See 12 CFR 723.2.

[41] See, *e.g.,* § 702.102(b) (Authorizes the NCUA Board to reclassify a well-capitalized credit union

[42] Public Law 105–219, 112 Stat. 913 (1998).

[43] 12 U.S.C. 1790d.

[44] The risk-based net worth requirement for credit unions meeting the definition of ''complex'' was first applied on the basis of data in the Call Report reflecting activity in the first quarter of 2001. 65 FR 44950 (July 20, 2000). The NCUA's risk-based net worth requirement has been largely unchanged since its implementation, with the following limited exceptions: revisions were made to the rule in 2003 to amend the risk-based net worth requirement for MBLs, 68 FR 56537 (Oct. 1, 2003); revisions were made to the rule in 2008 to incorporate a change in the statutory definition of ''net worth,'' 73 FR 72688 (Dec. 1, 2008); revisions were made to the rule in 2011 to expand the definition of ''low-risk assets'' to include debt instruments on which the payment of principal and interest is unconditionally guaranteed by NCUA, 76 FR 16234 (Mar. 23, 2011); and revisions were made in 2013 to exclude credit unions with total assets of $50 million or less from the definition of ''complex'' credit union, 78 FR 4033 (Jan. 18, 2013).

[45] 12 U.S.C. 1790d(b)(1)(A); see also 12 U.S.C. 1831o (Section 38 of the FDI Act setting forth the PCA requirements for banks).

[46] 12 U.S.C. 1790d(b)(1)(B).

[47] 12 CFR part 702; see also 65 FR 8584 (Feb. 18, 2000) and 65 FR 44950 (July 20, 2000).

[48] 80 FR 66625 (Oct. 29, 2015).

[49] 12 U.S.C. 1790d(a)(1).

[50] 12 U.S.C. 1790d(c).

[51] 12 U.S.C. 1790d(o)(2).

[52] 12 U.S.C. 1790d(o)(3).

[53] 12 U.S.C. 1790d(c)–(g); 12 CFR 702.204(a)–(b).

[54] For purposes of this rulemaking, the term ''risk-based net worth requirement'' is used in reference to the statutory requirement for the Board to design a capital standard that accounts for variations in the risk profile of complex credit unions. The term ''risk-based capital ratio'' is used to refer to the specific standards established in the 2015 Final Rule to function as criteria for the statutory risk-based net worth requirement. The term ''risk-based capital ratio'' is also used by the Other Banking Agencies and the international banking community when referring to the types of risk-based requirements that are addressed in the 2015 Final Rule. This change in terminology throughout the Proposal would have no substantive effect on the requirements of the FCUA, and is intended only to reduce confusion for the reader.

[55] 12 U.S.C. 1790d(d)(1).

credit unions.'' [56] It also requires the NCUA to design a risk-based net worth requirement to apply to such ''complex'' credit unions.[57]

V. Impact of the Final Rule

This final rule will lower the overall impact of the 2015 Final Rule by reducing the number of credit unions subject to the risk-based capital requirements of the rule. By increasing the threshold for defining a complex credit union from more than $100 million to more than $500 million in assets, an additional 1,026 credit unions would be exempt from the 2015 Final Rule's risk-based capital requirements. This represents significant burden relief for these credit unions. The new definition of complex credit union adopted in this final rule exempts a total of 90 percent (5,042) of all credit unions as of December 31, 2017.[58] For comparison, if the threshold were to remain at $100 million only about 72 percent of all credit unions would be exempt.

While under this final rule 9 out of 10 credit unions would be exempt, these institutions only hold 24 percent of total assets in the credit union system and 15 percent of complex assets and liabilities.[59] Thus, approximately 85 percent of the complex assets and liabilities and 76 percent of the total assets in the credit union system would still be subject to the risk based capital requirement.[60]

The credit unions that are defined as complex under this final rule have estimated aggregate and average risk-based capital ratios of 16.8 and 17.2 percent, respectively. The aggregate risk-weighted assets to total assets ratio is 63 percent for complex credit unions under this final rule.[61] Table 4 shows the distribution of estimated risk-based capital ratios for all complex credit unions based on this final rule.

TABLE 4—DISTRIBUTION OF ESTIMATED RISK-BASED CAPITAL RATIOS FOR COMPLEX CREDIT UNIONS

RBC ratio	<10%	10–13%	13–16%	16–20%	20–30%	30–50%	>50%
# of CUs	7	110	153	144	101	14	2

As shown in Table 4, most complex credit unions will have a risk-based capital ratio well in excess of the 10 percent level required to be well capitalized. Under this final rule, six complex credit unions with total assets of $8.8 billion would have a lower capital classification, with a capital shortfall of approximately $71 million.[62] Overall, 98.7 percent of all complex credit unions are well capitalized under this final rule.

Credit unions often hold some margin above regulatory capital requirements. Table 5 provides a comparison of the margins complex credit unions currently hold in excess of both the net worth ratio requirement and the risk-based capital requirement.

TABLE 5—DISTRIBUTION OF NET WORTH RATIOS AND RISK-BASED CAPITAL RATIOS FOR COMPLEX CREDIT UNIONS

Number of CUs	Less than well capitalized	Well capitalized to well + 2%	Well capitalized + 2% to + 3.5%	Well capitalized + 3.5% to + 5%	Greater than well capitalized + 5%
Net Worth Ratio	<7%	7%–9%	9%–10.5%	10.5%–12%	>12%
RBC Ratio	<10%	10%–12%	12%–13.5%	13.5%–15%	>15%
Net Worth Ratio	2	90	166	141	132
RBC Ratio	7	54	82	88	300

Both measures indicate the large majority of complex credit unions hold margins well above the levels required to be well-capitalized.

The NCUA also analyzed complex credit unions to determine whether the net worth or risk-based capital requirement would require a credit union to hold more dollars of capital. Table 6 summarizes the distribution of credit unions by the ratio of risk-weighted assets to total assets for credit unions bound by each capital requirement.

[56] 12 U.S.C. 1790d(d).

[57] *Id.*

[58] This final rule would limit risk-based capital requirements to only credit unions with assets of more than $500 million compared to the Other Banking Agencies' risk-based capital standards that apply to banks of all sizes. As of December 31, 2017, there were 1,450 and 4,294 FDIC-insured banks with assets of $100 million and $500 million or less, respectively.

[59] Credit unions with assets between $100 million and $500 million make up 17 percent of assets in the credit union system, and only hold 13 percent of complex assets and liabilities.

[60] For comparison, if the threshold were to remain at $100 million about 98 percent of the complex assets and liabilities and 93 percent of the total assets in the credit union system would still be subject to the risk-based capital requirement.

[61] By way of comparison, the bank aggregate total risk-weighted assets to total assets ratio is 72.4 percent as of December 31, 2017. Further, complex credit unions maintain a median risk-based capital ratio of 15.8 percent compared to a bank median risk-based capital ratio of 15.9 percent. Bank comparisons exclude banks with less than $50 million in total assets and more than $60 billion in total assets to arrive at a more comparable asset profile to credit unions.

[62] Of the 531 impacted credit unions, only 7, or 1.3 percent, would have less than the 10 percent risk-based capital requirement to be well capitalized. Of these, one has a net worth ratio less than 7 percent and is therefore not a new downgrade in capital classification, but already categorized as less than well capitalized. If the asset threshold for the definition of complex credit union remained at $100 million, a net of 20 credit unions with total assets of $11.5 billion would have a lower capital classification, with a capital shortfall of approximately $84 million.

TABLE 6—DISTRIBUTION OF RISK-WEIGHTED ASSETS TO TOTAL ASSETS RATIOS FOR COMPLEX CREDIT UNIONS BY GOVERNING CAPITAL REQUIREMENT

	Total number	Risk weighted assets/total assets						
		Avg. (%)	<50%	50–60%	60–70%	70–80%	80–90%	>90%
# Bound by Net Worth Ratio	310	58.9	49	101	147	10	2	1
# Bound by Risk Based Capital	221	71.9	0	3	81	128	6	3

Forty-two percent of complex credit unions (221 complex credit unions with $370.3 billion in total assets) are estimated to have a higher minimum capital requirement in terms of dollars under the risk-based capital ratio than the net worth ratio.[63] These 221 complex credit unions have a notably higher risk profile than the other 310 complex credit unions. The ratio of average risk weighted assets to total assets for the 221 complex credit unions is 72 percent, compared with 59 percent for the remaining 310 complex credit unions. Therefore, relative to what qualifies as capital for risk-based capital purposes, these institutions must hold more net worth in dollars to achieve a well-capitalized designation over what the net worth ratio requires.

In addition, despite holding a greater share of risk-weighted assets, the risk-based capital-bound group of 221 complex credit unions also has, on average, a net worth ratio that is 100 basis point below the net worth ratio of the other 310 complex credit unions.[64] Table 6 highlights the distribution of credit unions by risk weighted assets to total assets depending on whether the risk-based capital requirement necessitates more capital than the net worth ratio. The risk-based capital-bound group of 221 complex credit unions would have to retain more net worth in dollars than what is currently required under the net worth ratio to satisfy the well-capitalized threshold. However, over 97 percent (215) of these institutions already hold more than enough capital to meet the risk-based capital requirement.

[63] The required dollar amount for risk based capital is calculated as [(risk-weighted assets times 10 percent) − allowance for loan losses − equity acquired in merger + total adjusted retained earnings acquired through business combinations + NCUA share insurance capitalization deposit + goodwill + identifiable intangible assets] − (total assets × 7 percent). Complex credit unions in Table 6 are categorized by whichever calculation results in a higher dollar volume.

[64] The average net worth ratio is 10.3 percent for the 212 complex credit unions bound by risk-based capital while the average net worth ratio for the 310 complex credit unions bound by the net worth ratio is 11.4 percent.

VI. Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires that, in connection with a final rule, an agency prepare and make available for public comment a final regulatory flexibility analysis that describes the impact of the final rule on small entities. A regulatory flexibility analysis is not required, however, if the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities (defined for purposes of the RFA to include credit unions with assets less than $100 million) [65] and publishes its certification and a short, explanatory statement in the **Federal Register** together with the rule.

The amendments to the 2015 Final Rule and part 702 affect only complex credit unions, which were those with greater than $100 million in assets under the 2015 Final Rule and, as amended, are now only those with greater than $500 million in assets under this final rule. As a result, credit unions with $100 million or less in total assets would not be affected by this final rule. Accordingly, the NCUA certifies that this final rule will not have a significant economic impact on a substantial number of small credit unions.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*) requires that the Office of Management and Budget (OMB) approve all collections of information by a Federal agency from the public before they can be implemented. Respondents are not required to respond to any collection of information unless it displays a current, valid OMB control number.

In accordance with the PRA, the information collection requirements included in this final rule has been submitted to OMB for approval under control number 3133–0191.[66]

[65] *See* 80 FR 57512 (Sept. 24, 2015).

[66] Proposed revisions to OMB control number 3133–0191 have been submitted to OMB for approval in accordance with 5 CFR 1320.11.

Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. The NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the principles of the executive order to adhere to fundamental federalism principles. This final rule reduces the number of federally insured natural-person credit unions, including federally insured, state-chartered natural-person credit unions that would be subject to the 2015 Final Rule. It may have, to some degree, a 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. It does not, however, rise to the level of a material impact for purposes of Executive Order 13132.

Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this final rule will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999, Public Law 105–277, 112 Stat. 2681 (1998).

List of Subjects in 12 CFR Part 702

Credit unions, Reporting and recordkeeping requirements.

By the National Credit Union Administration Board on October 18, 2018.

Gerard Poliquin,

Secretary of the Board.

For the reasons discussed above, the Board further amends 12 CFR part 702, as amended in the final rule published at 80 FR 66625 (Oct. 29, 2015), as follows:

PART 702—CAPITAL ADEQUACY

■ 1. The authority citation for part 702 continues to read as follows:

Authority: 12 U.S.C. 1766(a), 1790d.

§ 702.103 [Amended]

■ 2. Amend § 702.103 by removing the words ''one hundred million dollars ($100,000,000)'' and adding in their place ''five hundred million dollars ($500,000,000).''

[FR Doc. 2018–24171 Filed 11–5–18; 8:45 am]

BILLING CODE 7535–01–P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

Maximum Allowable 7(a) Fixed Interest Rates

AGENCY: U.S. Small Business Administration.

ACTION: Notification announcing the maximum allowable fixed interest rates.

SUMMARY: This document announces the maximum allowable fixed interest rates for 7(a) guaranteed loans.

DATES: This announcement of interest rates is effective November 6, 2018.

FOR FURTHER INFORMATION CONTACT: Robert Carpenter, Acting Chief, 7(a) Loan Program and Policy Branch, Office of Financial Assistance, U.S. Small Business Administration, 409 Third Street SW, Washington, DC 20416; telephone: (202) 205–7654; email: *robert.carpenter@sba.gov;* or the Lender Relations Specialist in the local Small Business Administration (SBA) District Office. The local SBA District Office may be found at *https://www.sba.gov/tools/local-assistance/districtoffices.*

SUPPLEMENTARY INFORMATION:

Agency regulations at 13 CFR 120.213(a), Fixed Rates for Guaranteed Loans, state that ''[a] loan may have a reasonable fixed interest rate. SBA periodically publishes the maximum allowable rate in the **Federal Register**.''

On September 30, 2009, SBA published a **Federal Register** Notice (74 FR 50263) establishing the use of the London Interbank Offered Rate (LIBOR) (as defined in 13 CFR 120.214(c)), plus 300 basis points, plus the average of the 5-year and 10-year LIBOR swap rates, as the SBA ''Fixed Base Rate.'' According to the September 30, 2009 Notice, the maximum allowable fixed interest rate for 7(a) loans (other than SBA Express and Export Express loans) was the Fixed Base Rate, plus a maximum allowable spread based on the term of the loan, plus an additional spread for very small loans.

On July 27, 2017, the U.K. Financial Conduct Authority announced that it would phase-out LIBOR by the end of 2021. No generally accepted replacement for LIBOR has been identified. To address the approaching sunset of LIBOR and the need for a new benchmark for the calculation of the maximum allowable fixed interest rate for a 7(a) loan, SBA will use the prime rate (Prime), as described in 13 CFR 120.214(c), as the base rate for determining the maximum allowable fixed interest rate for 7(a) loans (including SBA Express and Export Express loans).

SBA reviewed and compared the interest rate difference between the Fixed Base Rate and Prime from October 1, 2009 through August 1, 2018. The Fixed Base Rate was, on average, approximately 200 basis points higher than Prime during this period and, as of August 2018, the Fixed Base Rate was approximately 300 basis points higher than Prime. To address this difference, SBA is increasing the maximum allowable spread as follows: For 7(a) fixed rate loans of $250,000 or less, SBA is setting the maximum allowable spread over Prime at 6% (plus the additional spread permitted under 13 CFR 120.215 for very small loans). For 7(a) fixed rate loans over $250,000, SBA is setting the maximum allowable spread over Prime at 5%. The maximum allowable spread will no longer depend on the term of the loan.

The increase in the maximum allowable spread neutralizes the impact of replacing the Fixed Base Rate with Prime. A new fixed rate maximum also provides greater opportunity for Lenders to make loans using fixed rates and may offset the cost of underwriting, disbursing, and servicing loans of $250,000 or less. SBA notes that the higher maximum interest rates permitted under 13 CFR 120.215 for very small loans (*i.e.,* loans under $50,000) continue to apply.

The interest rates set forth in this Notice are applicable to all 7(a) fixed rate loans (including fixed rate SBA Express and Export Express loans [1]), with the exception of the Export Working Capital Program [2] (EWCP) loans and Community Advantage loans. This Notice does not affect the allowable base rates used for variable rate loans as described in 13 CFR 120.214(c). SBA will address the variable rate bases, including a replacement for the LIBOR base rate, in a future rulemaking.

Effective November 6, 2018, for any complete 7(a) loan application received by SBA or any request for an SBA Loan Number submitted by a Lender with delegated authority (including fixed rate SBA Express and Export Express loans and excluding EWCP loans and Community Advantage loans), the maximum allowable fixed interest rate will be the Prime rate in effect on the first business day of the month plus:

(i) 600 basis points for loans of $25,000 or less, plus the 200 basis points permitted by 13 CFR 120.215;

(ii) 600 basis points for loans over $25,000 but not exceeding $50,000, plus the 100 basis points permitted by 13 CFR 120.215;

(iii) 600 basis points for loans greater than $50,000, up to and including $250,000; or

(iv) 500 basis points for loans over $250,000.

The following examples compare the maximum fixed rate that was in effect during August 2018 with the maximum fixed rate established by this Notice, had it been in effect at that time:

Example 1: For a 7(a) loan (other than SBA Express or Export Express) in the amount of $200,000 with a 7-year maturity, the maximum allowable fixed interest rate was 10.88% [8.13% (SBA Fixed Base Rate for August 2018 based on LIBOR) + 2.75% (SBA maximum spread for loans over $50,000 with a maturity of 7 years or longer)].

The new maximum allowable fixed rate for the same loan would be 11.00% [5.00% (Prime rate for August 2018) + 6.00% (maximum spread over Prime for a fixed rate loan greater than $50,000, but less than $250,000, regardless of the maturity)].

Example 2: For an SBA Express or Export Express loan in the amount of $200,000, the maximum allowable fixed interest rate was 9.5% [5.00% (Prime rate for August 2018) + 4.5% (maximum spread over Prime for an SBA Express or Export Express loan over $50,000, regardless of maturity)].

The new maximum allowable fixed rate for the same loan would be 11.00% [5.00% (Prime rate for August 2018) + 6.00% (maximum spread over Prime for a fixed rate loan greater than $50,000, but less than $250,000, regardless of the maturity)].

Example 3: For a 7(a) loan (other than SBA Express or Export Express) in the amount of $350,000 with less than a 7-year maturity, the maximum allowable fixed interest rate was 10.38% [8.13%

[1] It should be noted that SBA's recently published proposed rule for the Express loan programs contemplates certain maximum fixed interest rates for SBA Express and Export Express loans. See 83 FR 49001 (September 28, 2018). Notwithstanding the proposed rule, today's Notice regarding Maximum Allowable 7(a) Fixed Interest Rates sets the maximum allowable fixed interest rates for SBA Express and Export Express loans at the same levels as the maximum fixed rates allowable for 7(a) loans generally. SBA will reflect any necessary changes when it finalizes the proposed rule.

[2] In accordance with 13 CFR 120.344(c), ''SBA does not prescribe the interest rates for the EWCP, but will monitor these rates for reasonableness.''

(SBA Fixed Base Rate for August 2018 based on LIBOR) + 2.25% (maximum spread for loans over $50,000 with a maturity less than 7 years)].

The new maximum allowable fixed rate for the same loan would be 10.00% [5.00% (Prime rate for August 2018) + 5.00% (maximum spread over Prime for a fixed rate loan greater than $250,000, regardless of the maturity)].

Example 4: For an SBA Express or Export Express loan in the amount of $35,000, the maximum allowable fixed interest rate was 11.5% [5.00% (Prime rate for August 2018) + 6.5% (maximum spread over Prime for an SBA Express or Export Express loan of $50,000 or less, regardless of maturity)].

The new maximum allowable fixed rate for the same loan would be 12% [5.00% (Prime rate for August 2018) + 7.00% (maximum spread over Prime for a fixed rate loan greater than $25,000, but less than $50,000, regardless of the maturity)].

The maximum allowable fixed interest rate for 7(a) guaranteed loans will be published periodically by SBA in the **Federal Register** and posted monthly on SBA's website at *https://caweb.sba.gov/cls/dsp_login.cfm.*

Authority: 15 U.S.C. 636(a)(4)(A) and 13 CFR 120.213.

William M. Manger,

Associate Administrator, Office of Capital Access.

[FR Doc. 2018–24258 Filed 11–5–18; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0770; Amendment No. 71–50]

RIN 2120–AA66

Airspace Designations; Incorporation by Reference Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, administrative correction.

SUMMARY: This action incorporates certain airspace designation amendments into FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, for incorporation by reference.

DATES: Effective date 0901 UTC November 6, 2018. The Director of the Federal Register approves this incorporation by reference action under Title 1 CFR 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 on line at *http://www.faa.gov/airtraffic/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: Sarah A. Combs, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION

Authority for This Rulemaking

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

History

Federal Aviation Administration Airspace Order 7400.11, Airspace Designations and Reporting Points, incorporated by reference in 14 CFR 71.1, is published yearly. Amendments referred to as ''effective date straddling amendments'' were published under Order 7400.11B (dated August 3, 2017, and effective September 15, 2017), but became effective under Order 7400.11C (dated August 13, 2018, and effective September 15, 2018). This action incorporates these rules into the current FAA Order 7400.11C.

Accordingly, as this is an administrative correction to update final rule amendments into FAA Order 7400.11C, notice and public procedure under 5 U.S.C. 553(b) are unnecessary. Also, to bring these rules and legal descriptions current, I find that good cause exists, under 5 U.S.C. 553(d), for making this amendment effective in less than 30 days.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This action amends title 14 Code of Federal Regulations (14 CFR) part 71 by incorporating certain final rules into the current FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, which are depicted on aeronautical charts.

Regulatory Notices and Analyses

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

Corrections

■ 1. For Docket No. FAA–2018–0291; Airspace Docket No. 18–AGL–10 (83 FR 35540; July 27, 2018)

Correction

■ a. On page 35540, column 1, line 32, and line 45, under **ADDRESSES**, ''. . . FAA Order 7400.11B . . .'' is corrected

to read ''. . . FAA Order 7400.11C . . .''.

■ b. On page 35540, column 2, line 50, and line 53, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ c. On page 35540, column 2, line 37, under History, ''. . . FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018 . . .''.

■ d. On page 35540, column 2, line 47, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

§ 71.1 [Corrected]

■ e. On page 35540, column 3, line 62, under Amendatory Instruction 2, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

■ 2. For Docket No. FAA–2018–0310; Airspace Docket No. 18–ASW–7 (83 FR 35541, July 27, 2018).

Correction

■ a. On page 35541, column 1, line 49, and column 2, line 3, under **ADDRESSES**, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ b. On page 35541, column 3, line 2, and line 5, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ c. On page 35541, column 2, line 55, under History, ''. . . FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018 . . .''.

■ d. On page 35541, column 2, line 65, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

§ 71.1 [Corrected]

■ e. On page 35542, column 1, line 12, under Amendatory Instruction 2, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

■ 3. For Docket No. FAA–2017–1083; Airspace Docket No. 17–ACE–13 (83 FR 35542, July 27, 2018).

Correction

■ a. On page 35542, column 2, line 18, and line 31, under **ADDRESSES**, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ b. On page 35543, column 1, line 57, and line 60, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ c. On page 35543, column 1, line 43, under History, ''. . . FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018 . . .''.

■ d. On page 35543, column 1, line 54, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

§ 71.1 [Corrected]

■ e. On page 35543, column 3, line 51, under Amendatory Instruction 2, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

■ 4. For Docket No. FAA–2018–0139; Airspace Docket No. 18–ACE–1 (83 FR 37422, August 1, 2018).

Correction

■ a. On page 37422, column 2, line 25, and line 38, under **ADDRESSES**, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ b. On page 37422, column 3, line 36, and line 39, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ c. On page 37422, column 3, line 23, under History, ''. . . FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018 . . .''.

■ d. On page 37422, column 3, line 33, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

§ 71.1 [Corrected]

■ e. On page 37423, column 1, line 50, under Amendatory Instruction 2, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

■ 5. For Docket No. FAA–2016–9377; Airspace Docket No. 16–AEA–8 (83 FR 38016, August 3, 2018).

Correction

■ a. On page 38016, column 3, line 24, and line 37, under **ADDRESSES**, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ b. On page 38017, column 1, line 46, and line 49, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ c. On page 38017, column 1, line 31, under History, ''. . . FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018 . . .''.

■ d. On page 38017, column 1, line 43, under Availability and Summary of Documents for Incorporation by

Reference, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

§ 71.1 [Corrected]

■ e. On page 38017, column 3, line 6, under Amendatory Instruction 2, ''. . . Federal Aviation Administration Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

■ 6. For Docket No. FAA–2018–0137; Airspace Docket No. 18–ACE–2 (83 FR 38253, August 6, 2018).

Correction

■ a. On page 38253, column 3, line 41, and line 54, under **ADDRESSES**, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ b. On page 38254, column 2, line 14, and line 17, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ c. On page 38254, column 2, line 1, under History, ''. . . FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018 . . .''.

■ d. On page 38254, column 2, line 11, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

§ 71.1 [Corrected]

■ e. On page 38255, column 1, line 12, under Amendatory Instruction 2, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

■ 7. For Docket No. FAA–2017–0426; Airspace Docket No. 17–AEA–8 (83 FR 39583, August 10, 2018).

Correction

■ a. On page 39583, column 2, line 62, and column 3, line 12, under **ADDRESSES**, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ b. On page 39584, column 1, line 12, and line 15, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ c. On page 39583, column 3, line 64, under History, ''. . . FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018 . . .''.

■ d. On page 39584, column 1, line 9, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

§ 71.1 [Corrected]

■ e. On page 39584, column 2, line 21, under Amendatory Instruction 2, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

■ 8. For Docket No. FAA–2017–0865; Airspace Docket No. 17–ASO–19 (83 FR 39584, August 10, 2018).

Correction

■ a. On page 39584, column 3, line 29, and line 42, under **ADDRESSES**, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ b. On page 39585, column 1, line 46, and line 49, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ c. On page 39585, column 1, line 32, under History, ''. . . FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018 . . .''.

■ d. On page 39585, column 1, line 43, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

§ 71.1 [Corrected]

■ e. On page 39585, column 3, line 16, under Amendatory Instruction 2, ''. . . Federal Aviation Administration Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

■ 9. For Docket No. FAA–2018–0255; Airspace Docket No. 18–ASO–6 (83 FR 39586, August 10, 2018).

Correction

■ a. On page 39586, column 2, line 26, and line 39, under **ADDRESSES**, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ b. On page 39586, column 3, line 36, and line 39, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ c. On page 39586, column 3, line 53, under History, ''. . . FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018 . . .''.

■ d. On page 39586, column 3, line 33, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

§ 71.1 [Corrected]

■ e. On page 39587, column 1, line 48, under Amendatory Instruction 2, ''. . . Federal Aviation Administration Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017,

and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

■ 10. For Docket No. FAA–2018–0101; Airspace Docket No. 18–AGL–4 (83 FR 39587, August 10, 2018).

Correction

■ a. On page 39587, column 2, line 44, and line 47, under **ADDRESSES**, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ b. On page 39587, column 3, line 63, and line 66, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ c. On page 39587, column 3, line 49, under History, ''. . . FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018 . . .''.

■ d. On page 39587, column 3, line 59, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

§ 71.1 [Corrected]

■ e. On page 39588, column 2, line 23, under Amendatory Instruction 2, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

■ 11. For Docket No. FAA–2018–0290; Airspace Docket No. 18–AGL–9 (83 FR 42022, August 20, 2018).

Correction

■ a. On page 42022, column 2, line 40, and line 53, under **ADDRESSES**, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ b. On page 42022, column 3, line 58, and line 61, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ c. On page 42022, column 3, line 45, under History, ''. . . FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018 . . .''.

■ d. On page 42022, column 3, line 55, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

§ 71.1 [Corrected]

■ e. On page 42023, column 2, line 12, under Amendatory Instruction 2, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

■ 12. For Docket No. FAA–2018–0044; Airspace Docket No. 17–ANM–35 (83 FR 42023, August 20, 2018).

Correction

■ a. On page 42023, column 3, line 9, under **ADDRESSES**, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ b. On page 42024, column 1, line 34, and line 37, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ c. On page 42024, column 1, line 21, under History, ''. . . FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018 . . .''.

■ d. On page 42024, column 1, line 31, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

§ 71.1 [Corrected]

■ e. On page 42024, column 2, line 39, under Amendatory Instruction 2, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

■ 13. For Docket No. FAA–2018–0328; Airspace Docket No. 18–ASO–7 (83 FR 42585, August 23, 2018).

■ a. On page 42585, column 3, line 32, and line 45, under **ADDRESSES**, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ b. On page 42586, column 1, line 59, and line 62, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ c. On page 42586, column 1, line 45, under History, ''. . . FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018 . . .''.

■ d. On page 42586, column 1, line 56, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

§ 71.1 [Corrected]

■ e. On page 42586, column 3, line 19, under Amendatory Instruction 2, ''. . . Federal Aviation Administration Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

■ 14. For Docket No. FAA–2017–1159; Airspace Docket No. 17–ASO–23 (83 FR 42587, August 23, 2018).

■ a. On page 42587, column 1, line 50, and column 2, line 54, under **ADDRESSES**, ''. . .FAA Order 7400.11B. . .'' is corrected to read ''. . .FAA Order 7400.11C. . .''.

■ b. On page 42588, column 1, line 36, and line 39, under Availability and Summary of Documents for Incorporation by Reference, ''. . .FAA Order 7400.11B. . .'' is corrected to read ''. . .FAA Order 7400.11C. . .''.

■ c. On page 42588, column 1, line 22, under History, ''. . .FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017,. . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018. . .''.
■ d. On page 42588, column 2, line 7, under The Rule, ''. . .FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017,. . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018. . .''.
■ e. On page 42588, column 1, line 33, under Availability and Summary of Documents for Incorporation by Reference, ''. . .FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017,. . .'' is corrected to read ''. . .FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018,. . .''.

§ 71.1 [Corrected]

■ f. On page 42588, column 3, line 3, under Amendatory Instruction 2, ''. . .Federal Aviation Administration Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017,. . .'' is corrected to read ''. . .FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018,. . .''.
■ 15. For Docket No. FAA–2018–0437; Airspace Docket No. 18–ASO–5 (83 FR 43750, August 28, 2018).

Correction

■ a. On page 43750, column 3, line 36, and line 49, under **ADDRESSES**, ''. . .FAA Order 7400.11B. . .'' is corrected to read ''. . .FAA Order 7400.11C. . .''.
■ b. On page 43751, column 2, line 35, and line 38, under Availability and Summary of Documents for Incorporation by Reference, ''. . .FAA Order 7400.11B. . .'' is corrected to read ''. . .FAA Order 7400.11C. . .''.
■ c. On page 43751, column 1, line 37, under History, ''. . .FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017,. . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018. . .''.
■ d. On page 43751, column 2, line 32, under Availability and Summary of Documents for Incorporation by Reference, ''. . .FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017,. . .'' is corrected to read ''. . .FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018,. . .''.

§ 71.1 [Corrected]

■ e. On page 43752, column 3, line 44, under Amendatory Instruction 2, ''. . .FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017,. . .'' is corrected to read ''. . .FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018,. . .''.
■ 16. For Docket No. FAA–2018–0062; Airspace Docket No. 18–ASO–3 (83 FR 43968, August 29, 2018).

Correction

■ a. On page 43968, column 3, line 45, and line 58, under **ADDRESSES**, ''. . .FAA Order 7400.11B. . .'' is corrected to read ''. . .FAA Order 7400.11C. . .''.
■ b. On page 443969, column 2, line 3, and line 6, under Availability and Summary of Documents for Incorporation by Reference, ''. . .FAA Order 7400.11B. . .'' is corrected to read ''. . .FAA Order 7400.11C. . .''.
■ c. On page 43969, column 1, line 54, under History, ''. . .FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017,. . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018. . .''.
■ d. On page 43969, column 2, line 57, under The Rule, ''. . .FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017,. . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018. . .''.
■ e. On page 43969, column 1, line 66, under Availability and Summary of Documents for Incorporation by Reference, ''. . .FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017,. . .'' is corrected to read ''. . .FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018,. . .''.

§ 71.1 [Corrected]

■ f. On page 43969, column 3, line 50, under Amendatory Instruction 2, ''. . .Federal Aviation Administration Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017,. . .'' is corrected to read ''. . .FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018,. . .''.
■ 17. For Docket No. FAA–2018–0138; Airspace Docket No. 18–ASW–5 (83 FR 43970, August 29, 2018).

Correction

■ a. On page 43970, column 2, line 36, and line 49, under **ADDRESSES**, ''. . .FAA Order 7400.11B. . .'' is corrected to read ''. . .FAA Order 7400.11C. . .''.
■ b. On page 43970, column 3, line 63, and line 66, under Availability and Summary of Documents for Incorporation by Reference, ''. . .FAA Order 7400.11B. . .'' is corrected to read ''. . .FAA Order 7400.11C. . .''.
■ c. On page 43970, column 3, line 49, under History, ''. . .FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017,. . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018. . .''.
■ d. On page 43970, column 3, line 60, under Availability and Summary of Documents for Incorporation by Reference, ''. . .FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017,. . .'' is corrected to read ''. . .FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018,...''.

§ 71.1 [Corrected]

■ e. On page 43971, column 3, line 6, under Amendatory Instruction 2, ''. . .FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017,. . .'' is corrected to read ''. . .FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018,. . .''.
■ 18. For Docket No. FAA–2018–0131; Airspace Docket No. 18–ASO–4 (83 FR 44214, August 30, 2018).

Correction

■ a. On page 44214, column 2, line 48, and line 61, under **ADDRESSES**, ''. . .FAA Order 7400.11B. . .'' is corrected to read ''. . .FAA Order 7400.11C. . .''.
■ b. On page 44215, column 1, line 67, and column 2, line 2, under Availability and Summary of Documents for Incorporation by Reference, ''. . .FAA Order 7400.11B. . .'' is corrected to read ''. . .FAA Order 7400.11C. . .''.
■ c. On page 44215, column 2, line 39, under The Rule, ''. . .FAA Order 7400.11B, dated August 3, 2017, and

effective September 15, 2017,. . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018. . .''.

■ d. On page 44215, column 1, line 64, under Availability and Summary of Documents for Incorporation by Reference, ''. . .FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017,. . .'' is corrected to read ''. . .FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018,. . .''.

§ 71.1 [Corrected]

■ e. On page 44215, column 3, line 32, under Amendatory Instruction 2, ''. . .Federal Aviation Administration Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017,. . .'' is corrected to read ''. . .FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018,. . .''.

■ 19. For Docket No. FAA–2018–0219; Airspace Docket No. 17–AGL–23 (83 FR 45337, September 7, 2018).

Correction

■ a. On page 45338, column 1, line 19, and line 32, under **ADDRESSES**, ''. . .FAA Order 7400.11B. . .'' is corrected to read ''. . .FAA Order 7400.11C. . .''.

■ b. On page 45339, column 1, line 1, and line 4, under Availability and Summary of Documents for Incorporation by Reference, ''. . .FAA Order 7400.11B. . .'' is corrected to read ''. . .FAA Order 7400.11C. . .''.

■ c. On page 45338, column 3, line 56, under History, ''. . .FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017,. . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018. . .''.

■ d. On page 45338, column 3, line 66, under Availability and Summary of Documents for Incorporation by Reference, ''. . .FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017,. . .'' is corrected to read ''. . .FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018,. . .''.

§ 71.1 [Corrected]

■ e. On page 45339, column 2, line 46, under Amendatory Instruction 2, ''. . .FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017,. . .'' is corrected to read ''. . .FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018,. . .''.

■ 20. For Docket No. FAA–2017–1051; Airspace Docket No. 17–AGL–21 (83 FR 45554, September 10, 2018).

Correction

■ a. On page 45554, column 3, line 30, and line 43, under **ADDRESSES**, ''. . .FAA Order 7400.11B. . .'' is corrected to read ''. . .FAA Order 7400.11C. . .''.

■ b. On page 45555, column 1, line 47, and line 50, under Availability and Summary of Documents for Incorporation by Reference, ''. . .FAA Order 7400.11B. . .'' is corrected to read ''. . .FAA Order 7400.11C. . .''.

■ c. On page 45555, column 1, line 34, under History, ''. . .FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017,. . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018. . .''.

■ d. On page 45555, column 1, line 44, under Availability and Summary of Documents for Incorporation by Reference, ''. . .FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017,. . .'' is corrected to read ''. . .FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018,. . .''.

§ 71.1 [Corrected]

■ e. On page 45555, column 3, line 12, under Amendatory Instruction 2, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018,. . .''.

■ 21. For Docket No. FAA–2018–0475; Airspace Docket No. 18–ANE–4 (83 FR 45813, September 11, 2018).

Correction

■ a. On page 45813, column 2, line 32, and line 45, under **ADDRESSES**, ''. . .FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C. . .''.

■ b. On page 45813, column 3, line 52, and line 55, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B. . .'' is corrected to read ''. . .FAA Order 7400.11C . . .''.

■ c. On page 45813, column 3, line 38, under History, ''. . . FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018 . . .''.

■ d. On page 45813, column 3, line 49, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

§ 71.1 [Corrected]

■ e. On page 45814, column 1, line 60, under Amendatory Instruction 2, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

■ 22. For Docket No. FAA–2017–1043; Airspace Docket No. 17–AEA–18 (83 FR 45814, September 11, 2018).

Correction

■ a. On page 45814, column 2, line 51, and column 3, line 5, under **ADDRESSES**, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ b. On page 45815, column 1, line 8, and line 11, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ c. On page 45814, column 3, line 57, under History, ''. . . FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018 . . .''.

■ d. On page 45815, column 1, line 5, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

§ 71.1 [Corrected]

■ e. On page 45815, column 2, line 19, under Amendatory Instruction 2, ''. . . Federal Aviation Administration Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

■ 23. For Docket No. FAA–2018–0006; Airspace Docket No. 18–AGL–1 (83 FR 45815, September 11, 2018).

Correction

■ a. On page 45815, column 3, line 26, and line 39, under **ADDRESSES**, ''. . . FAA Order 7400.11B. . .'' is corrected to read ''. . . FAA Order 7400.11C. . .''.

■ b. On page 45816, column 1, line 36, and line 39, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C. . .''.

■ c. On page 45816, column 1, line 23, under History, ''. . . FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018 . . .''.

■ d. On page 45816, column 1, line 33, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

§ 71.1 [Corrected]

■ e. On page 45816, column 2, line 61, under Amendatory Instruction 2, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . .FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

■ 24. For Docket No. FAA–2018–0322; Airspace Docket No. 18–AEA–12 (83 FR 45818, September 11, 2018).

Correction

■ a. On page 45818, column 1, line 42, and line 55, under **ADDRESSES**, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ b. On page 45818 column 3, line 10, and line 13, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ c. On page 45818, column 2, line 64, under History, ''. . . FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018 . . .''.

■ d. On page 45818, column 3, line 7, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

§ 71.1 [Corrected]

■ e. On page 45819, column 1, line 32, under Amendatory Instruction 2, ''. . . Federal Aviation Administration Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

■ 25. For Docket No. FAA–2018–0727; Airspace Docket No. 18–AEA–15 (83 FR 45819, September 11, 2018).

Correction

■ a. On page 45819, column 2, line 31, under **ADDRESSES**, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ b. On page 45819, column 3, line 46, and line 49, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ c. On page 45819, column 3, line 32, under History, ''. . . FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018 . . .''.

■ d. On page 45819, column 3, line 43, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

§ 71.1 [Corrected]

■ e. On page 45820, column 1, line 57, under Amendatory Instruction 2, ''. . . Federal Aviation Administration Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

■ 26. For Docket No. FAA–2017–1202; Airspace Docket No. 17–AWP–31 (83 FR 46386, September 13, 2018).

Correction

■ a. On page 46386, column 2, line 22, under **ADDRESSES**, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ b. On page 46386, column 3, line 42, and line 45, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ c. On page 46386, column 3, line 29, under History, ''. . . FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018 . . .''.

■ d. On page 46386, column 3, line 39, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

§ 71.1 [Corrected]

■ e. On page 46387, column 1, line 51, under Amendatory Instruction 2, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

■ 27. For Docket No. FAA–2017–1145; Airspace Docket No. 17–AWP–19 (83 FR 46387, September 13, 2018).

Correction

■ a. On page 46387, column 3, line 49, under **ADDRESSES**, ''. . . FAA Order

7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ b. On page 46388, column 1, line 65, and column 2, line 2, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ c. On page 46388, column 1, line 52, under History, ''. . . FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018 . . .''.

■ d. On page 46388, column 1, line 62, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

§ 71.1 [Corrected]

■ e. On page 46388, column 3, line 46, under Amendatory Instruction 2, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

■ 28. For Docket No. FAA–2018–0018; Airspace Docket No. 17–AGL–20 (83 FR 46389, September 13, 2018).

Correction

■ a. On page 46389, column 1, line 52, and column 2, line 5, under **ADDRESSES**, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ b. On page 46389, column 2, line 63, and column 3, line 1, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ c. On page 46389, column 2, line 60, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

§ 71.1 [Corrected]

■ d. On page 46390, column 1, line 12, under Amendatory Instruction 2, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

■ 29. For Docket No. FAA–2017–1088; Airspace Docket No. 17–AWP–25 (83 FR 46390, September 13, 2018).

Correction

■ a. On page 46390, column 2, line 1, under **ADDRESSES**, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ b. On page 46390, column 3, line 13, and line 16, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B . . .'' is corrected to read ''. . . FAA Order 7400.11C . . .''.

■ c. On page 46390, column 2, line 66, under History, ''. . . FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018 . . .''.

■ d. On page 46390, column 3, line 10, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

§ 71.1 [Corrected]

■ e. On page 46391, column 1, line 21, under Amendatory Instruction 2, ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, . . .''.

■ 30. For Docket No. FAA–2018–0328; Airspace Docket No. 18–ASO–7 (83 FR 46639, September 14, 2018).

Correction

■ a. On page 46639, column 3, line 20, under History, ''. . . FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, . . .'' is corrected to read ''. . . FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018 . . .''.

Issued in Washington, DC, on October 30, 2018.

Rodger A. Dean Jr.,

Manager, Airspace Policy Group.

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34–84511; File No. S7–24–18]

RIN 3235–AL10

Commission Statement on Certain Provisions of Business Conduct Standards for Security-Based Swap Dealers and Major Security-Based Swap Participants

AGENCY: Securities and Exchange Commission.

ACTION: Commission statement.

SUMMARY: The Commission is issuing a statement regarding certain provisions of its Business Conduct Standards for Security-Based Swap Dealers and Major Security-Based Swap Participants. The statement sets forth the Commission's position, for five years after the compliance date for the security-based swap dealer and major security-based swap participant registration rules, that certain actions with respect to provisions of the Commission's business conduct standards will not provide a basis for a Commission enforcement action.

DATES: The Commission's statement is effective November 6, 2018.

FOR FURTHER INFORMATION CONTACT: Lourdes Gonzalez, Assistant Chief Counsel; Joanne Rutkowski, Assistant Chief Counsel; Devin Ryan, Senior Special Counsel; Kelly Shoop, Special Counsel; or Neel Maitra, Special Counsel, at 202–551–5550, in the Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

SUPPLEMENTARY INFORMATION:

I. Introduction

In 2012 the U.S. Commodity Futures Trading Commission (''CFTC'') adopted business conduct rules for swap dealers and major swap participants (''CFTC's Business Conduct Rules'').[1] To assist the swaps industry in implementing and complying with the CFTC's Business Conduct Rules, industry participants developed standardized counterparty

[1] *Business Conduct Standards for Swap Dealers and Major Swap Participants with Counterparties,* 77 FR 9734 (Feb. 17, 2012).

relationship documentation that has been in force since 2012, and is currently used by over 22,000 counterparties.[2]

In 2016, pursuant to Section 15F of the Securities Exchange Act of 1934 (''Exchange Act''),[3] the Commission adopted final rules imposing business conduct standards (the ''SEC's Business Conduct Rules'') for security-based swap dealers (''SBS Dealers'') and major security-based swap participants (''Major SBS Participants'' and, together with SBS Dealers, ''SBS Entities'').[4] As noted in the Commission's Adopting Release, the Commission endeavored to harmonize its rules with analogous CFTC requirements where possible to create efficiencies for entities that have already established infrastructure for compliance with analogous CFTC requirements.[5] In certain instances, however, the Commission's requirements, and the associated representations that would be required under standardized counterparty relationship documentation, diverge from those of the analogous CFTC requirements, which are reflected in existing standardized counterparty relationship documentation. Market participants have expressed concerns about practical compliance difficulties presented by certain of these differences.[6]

The Commission is mindful of the time and costs that may be associated with a documentation initiative that would be undertaken solely to address the SEC's Business Conduct Rules. Therefore, to minimize potential market disruptions to existing counterparty relationships resulting solely from documentation implementation issues (upon their compliance date when compliance will first be required), for a limited time period, the Commission takes the position that certain actions with respect to provisions of the SEC's Business Conduct Rules will not provide a basis for a Commission enforcement action, as set forth below.[7]

II. Commission Position

The Commission's position [8] is expressly limited to the SEC's Business Conduct Rules, 17 CFR 240.15Fh–1 (Rule 15Fh–1) through 240.15Fh–6 (Rule 15Fh–6), set forth below. The Commission emphasizes that its position is limited to the Commission's enforcement discretion with respect to Rules 15Fh–1 through 15Fh–6, and does not modify or change any contractual rights between counterparties to security-based swaps. Further, nothing in the Commission's position excuses compliance with Rule 15Fh–1(b), under which an SBS Entity cannot rely on a representation if it has information that would cause a reasonable person to question the accuracy of the representation.[9] Unless specified below, all terms shall have the definitions set forth in Exchange Act Section 15F(h) and Rules 15Fh–1 through 15Fh–6. Finally, the Commission's position applies only to the exercise of its enforcement discretion as set forth in subsections A. through D. below, and only until five years after the compliance date for the SBS Entity registration rules.

A. Non-ERISA Employee Benefit Plans

For purposes of the provisions relating to special entities under Rules 15Fh–1 through 15Fh–6, it would not provide a basis for an enforcement action if an SBS Entity considers an employee benefit plan as defined in Rule 15Fh–2(d)(4) [10] not to be a special entity where: (i) The plan has previously represented in writing to the SBS Entity that it is not a special entity for swap purposes under the CFTC's Business Conduct Rules; (ii) at a reasonably sufficient time [11] prior to entering into a security-based swap with the plan, the SBS Entity notifies the plan in writing that it may opt into special entity status under Rule 15Fh–2(d)(4); [12] and (iii) the plan does not opt into special entity status.

B. Written Representations: SBS Dealers Not Acting as Advisors

Reliance on the representations described below during the five years in which this Commission position is in effect would not provide a basis for an enforcement action:

- An SBS Dealer seeking to establish that it is not acting as an advisor to a special entity within the meaning of Rule 15Fh–2(a) relies on a written representation that a special entity will not rely on recommendations provided by the SBS Dealer [13] instead of having the special entity represent in writing that it acknowledges that the SBS Dealer is not acting as an advisor when the SBS Dealer recommends a security-based swap or a trading strategy that involves the use of a security-based swap to the special entity.[14]
- With respect to a special entity as defined in Rule 15Fh–2(d)(3) (*e.g.,* an employment plan subject to Title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002) (''ERISA Special Entity'')), an SBS Dealer relies on a representation from the ERISA Special Entity's fiduciary that such fiduciary is not relying on recommendations provided by the SBS Dealer [15] instead of having the fiduciary represent in writing that it acknowledges that the SBS Dealer is not acting as an advisor when it recommends a security-based swap or a trading strategy that involves the use of a security-based swap to the ERISA Special Entity.[16]
- An SBS Dealer relies on a written representation from the ERISA Special Entity that any recommendation it receives from the SBS Dealer materially affecting a security-based swap transaction will be evaluated by a

[2] *See* International Swaps and Derivatives Association, Inc. (''ISDA'') DF Protocol, List of Adhering Parties, *available at https://www.isda.org/protocol/isda-august-2012-df-protocol/adhering-parties.*

[3] In this document, all references to ''Rules'' shall mean those under the Exchange Act.

[4] *Business Conduct Standards for Security-Based Swap Dealers and Major Security-Based Swap Participants,* 81 FR 29960 (May 13, 2016) (''Adopting Release''). Although the rules are now effective, the Commission determined not to require compliance with them until entities are required to register as SBS Dealers or Major SBS Participants. *See id.* at 30081.

[5] *Id.* at 29964.

[6] *See, e.g.,* Letter from Securities Industry and Financial Markets Association (''SIFMA'') and Institute of International Bankers, June 21, 2018 (''SIFMA June 2018 Letter''); Letter from Church Alliance to Brett Redfearn, June 26, 2018 (''Church Alliance June 2018 Letter'').

[7] To the extent there are additional differences between the CFTC's Business Conduct Rules and the SEC's Business Conduct Rules that otherwise present documentation implementation difficulties that could result in potential for market disruption, the Commission encourages market participants to provide that information to the Commission.

[8] The Commission's position is an agency statement of general applicability with future effect designed to implement, interpret, or prescribe law or policy.

[9] *See* Section II.D., *infra,* for the Commission's position on written representations that were previously obtained in connection with swaps.

[10] Rule 15Fh–2(d)(4) defines ''special entity'' to include: ''An employee benefit plan as defined in section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002) and not otherwise defined as a special entity, unless such employee benefit plan elects not to be a special entity by notifying a security-based swap dealer or major security-based swap participant of its election prior to entering into a security-based swap with the particular security-based swap dealer or major security-based swap participant.''

[11] *See, e.g.,* Adopting Release, 81 FR at 29982 (''[I]t is important that the required disclosures be made at a reasonably sufficient time before the execution of the transaction to allow the counterparty to assess the disclosures.'').

[12] This notification requirement mirrors the approach set forth in CFTC Regulation at 17 CFR 23.401(c)(6).

[13] This written representation mirrors the requirement set forth in CFTC Regulation at 17 CFR 23.440(b)(2)(ii), the analogous provision to Rule 15Fh–2(a)(2)(i)(A).

[14] *See* Rule 15Fh–2(a)(2)(i)(A).

[15] This written representation mirrors the requirement set forth in CFTC Regulation 23.440(b)(1)(ii), the analogous provision to Rule 15Fh–2(a)(1)(ii).

[16] *See* Rule 15Fh–2(a)(1)(ii).

fiduciary before the transaction occurs, instead of having an ERISA Special Entity represent in writing that any recommendation it receives from the SBS Dealer involving a security-based swap transaction will be evaluated by a fiduciary before the transaction is entered into.[17]

C. Safe Harbor for SBS Dealers and Major SBS Participants Acting as Counterparties to Special Entities

Rule 15Fh–5(b) provides a safe harbor for SBS Entities acting as counterparties to a special entity other than an ERISA Special Entity. As set forth in Rule 15Fh–5(b)(1)(ii)(B), to avail itself of the safe harbor the SBS Entity must among other things, obtain written representations from the representative of the special entity (the ''qualified independent representative'') that such representative: (1) Meets the independence test as required by Rule 15Fh–5(a)(1)(vii); (2) has the knowledge required under Rule 15Fh–5(a)(1)(i); (3) is not subject to a statutory disqualification under Rule 15Fh–5(a)(1)(ii); (4) undertakes a duty to act in the best interests of the special entity as required by Rule 15Fh–5(a)(1)(iii); and (5) is subject to the requirements regarding political contributions, as applicable, under Rule 15Fh–5(a)(1)(vi).

It would not provide a basis for an enforcement action with respect to relying on the safe harbor in Rule 15Fh–5(b)(1)(ii)(B) if, during the five years in which this Commission position is in effect, instead of obtaining these written representations, an SBS Entity relies on a written representation from the qualified independent representative that the representative has written policies and procedures reasonably designed to ensure that the representative satisfies the requirements for acting as a qualified independent representative.[18] This position is applicable only to the written representations set forth in Rule 15Fh–5(b)(1)(ii)(B) and is only applicable where the SBS Entity meets all other Commission requirements as set forth in Rule 15Fh–5(b).

D. Reliance on Previously-Obtained Written Representations

Finally, Rule 15Fh–1(b), as noted above, permits an SBS Entity to rely on written representations from the counterparty or its representative to satisfy its due diligence requirements under Rules 15Fh–1 through 15Fh–6, unless the SBS Entity has information that would cause a reasonable person to question the accuracy of the representation. As the Commission stated when adopting the rule, the question of whether reliance on representations that had been obtained with respect to the CFTC's Business Conduct Rules would satisfy an SBS Entity's obligations under the SEC's Business Conduct Rules will depend on the facts and circumstances of the particular matter.[19] The Commission's position is that, for purposes of Rule 15Fh–1(b), it would not provide a basis for an enforcement action if, during the five years in which this Commission position is in effect, an SBS Dealer relies on representations from a counterparty or representative that were previously provided in relation to swaps if the SBS Dealer is not aware of information that would cause a reasonable person to question the accuracy of the representation if the representation were given in relation to security-based swaps.[20]

By the Commission.

Dated: October 31, 2018.

Brent J. Fields,

Secretary.

[FR Doc. 2018–24213 Filed 11–5–18; 8:45 am]

BILLING CODE 8011–01–P

[17] *See* Rule 15Fh–2(a)(1)(iii)(B). This written representation mirrors the requirement set forth in CFTC Regulation 23.440(b), the analogous provision to Rule 15Fh–2(a)(1)(iii)(B).

[18] The Commission notes that this written representation is already required by Rule 15Fh–5(b)(1)(ii)(A), and mirrors the analogous requirement set forth in CFTC Regulation at 17 CFR 23.450(d)(1)(ii)(A).

[19] *See* Adopting Release, 81 FR at 29976.

[20] This position applies equally to the written representations addressed in Sections II.B. and C., *supra.*

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0736]

RIN 1625–AA00

Safety Zones; Coast Guard Sector New Orleans Annual and Recurring Safety Zones Update

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending its safety zone regulations for annual events in Coast Guard Sector New Orleans' area of responsibility. This rule adds four new recurring safety zones and amends the location or dates for two events already listed in the table. This action is necessary to protect spectators, participants, and vessels from the hazards associated with annual marine events. This rulemaking would prohibit entry into the safety zones during the events unless authorized by the Captain of the Port Sector New Orleans or a designated representative.

DATES: This rule is effective December 6, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2018–0736 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 about this rule, call or email Lieutenant Commander Benjamin Morgan, Sector New Orleans, U.S. Coast Guard; telephone 504–365–2281, email *Benjamin.P.Morgan@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Captain of the Port Sector New Orleans (COTP) is amending Table 5 of 33 CFR 165.801 to update the table of annual firework displays and other marine events in Coast Guard Sector New Orleans' area of responsibility. The current list of annual and recurring safety zones in Sector New Orleans is published in Table 5 of 33 CFR 165.801. That most recent table was created through the interim final rule published on April 22, 2014 (79 FR 22398). The current Table 5 in 33 CFR 165.801 will be amended to include new safety zones expected to recur annually and provide new information on two existing safety zones.

On September 10, 2018, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Safety Zones; Coast Guard Sector New Orleans Annual and Recurring Safety Zones (83 FR 45584). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this change to the annual and reoccurring safety zones listed in Table 5 of 33 CFR 165.801. During the comment period that ended on October 10, 2018, we received no comments.

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 Sector New Orleans (COTP) has determined that it is necessary to amend Table 5 of 33 CFR 165.801 to update the table of annual firework displays and other marine events in Coast Guard Sector New Orleans' area of responsibility. The current list of annual and recurring safety zones in Sector New Orleans is published in Table 5 of 33 CFR 165.801. That most recent table was created through the interim final rule published on April 22, 2014 (79 FR 22398). The current Table 5 in 33 CFR 165.801 needs to be amended to include new safety zones expected to recur annually and provide new information on two existing safety zones.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received no comments on our NPRM published on September 10, 2018. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule amends the safety zone regulations for annual events in Coast Guard Sector New Orleans listed in Table 5 of 33 CFR 165.801. From time to time this section needs to be amended to properly reflect recurring safety zones in Sector New Orleans' area of responsibility. This rule will add four new recurring safety zones and amend the location or dates of two safety zones already listed in the current table. Other than the described changes, the regulations of 33 CFR 165.801 and other provisions in Table 5 of § 165.801 would remain unchanged.

The Coast Guard revises regulations in Table 5 of 33 CFR 165.801 by adding four new safety zones. The safety zones being added to Table 5 are below:

Date	Sponsor/name	Sector New Orleans location	Safety zone
Saturday before Labor Day.	Baton Rouge Paddle Club and Muddy water Paddle Co./Big River Regional.	Baton Rouge, LA	Mississippi River from mile marker 215 to 230.4, Baton Rouge, LA.
July 4th	L'Auberge Casino Baton Rouge/July 4th Celebration.	Baton Rouge, LA	Mississippi River from mile marker 216.0 to 217.5, Baton Rouge, LA.
July 4th	Madisonville Old Fashioned 4th of July	Madisonville, LA	Tchefuncte River, at approximate position 30°24′11.63″ N 090°09′17.39 W, in front of the Madisonville Town Hall.
Weekend before July 4th.	Mandeville July 4th Celebration	Mandeville, LA	Approximately 600′ off the shore of the Mandeville Lakefront 30°21′12.03″ N 90°04′ 28.95″ W.

The Coast Guard revises regulations in Table 5 of 33 CFR 165.801 by amending two existing safety zones listed in the table. The first safety zone to be amended is tiled as St. John the Baptist Parish Independence Celebration Fireworks. This safety zone is currently listed to occur at the location of mile marker (MM) 175 to MM 176 on the Lower Mississippi River, above Head of Passes, Reserve, LA. This location contains a typo, which the Coast Guard amends to reflect the correct location in Reserve, LA. The second safety zone to be amended is titled as Independence Day Celebration, Main Street 4th of July (Fireworks Display). The date for this safety zone is currently listed as 4th of July. The Coast Guard amends the date format to conform to the format of other dates listed in the table. The amendments are below:

Date	Sponsor/name	Sector New Orleans location	Safety zone
2. July 3	St. John the Baptist Parish Independence Celebration Fireworks.	Reserve, LA	Mississippi River from mile marker 137.5 to 138.5, Reserve, LA.
5. July 4	Independence Day Celebration, Main Street 4th of July (Fireworks Display).	Morgan City, LA	Morgan City Port Allen Route mile marker 0.0 to 1.0, Morgan City, LA.

The amendments to these safety zones are necessary to ensure the safety of vessels, spectators, and participants during annual events taking place on or near the navigable waters in Sector New Orleans' area of responsibility. Although this rule will be in effect year-round, the specific safety zones listed in Table 5 of 33 CFR 165.801 will only be enforced during a specified period of time coinciding with the happening of the annual events listed. In accordance with the regulations listed in 33 CFR 165.801(a) through (d), entry into these safety zones is prohibited unless authorized by the COTP or a designated representative. The regulatory text of the updates to Table 5 of § 165.801 appears at the end of this document.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the safety zones. These safety zones are limited in size and duration, and are usually positioned away from high vessel traffic zones. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zones, and the rule would allow vessels to seek permission to enter the zones.

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 zones may be small entities, for the reasons stated in section IV.A above, this rule would not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** 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 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 the establishment of safety zones limiting access to certain areas in Sector New Orleans' area of responsibility. Such actions are 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. In § 165.801, revise Table 5 to read as follows:

§ 165.801 Annual fireworks displays and other events in the Eighth Coast Guard District requiring safety zones.

* * * * *

TABLE 5 OF § 165.801—SECTOR NEW ORLEANS ANNUAL AND RECURRING SAFETY ZONES

Date	Sponsor/name	Sector New Orleans location	Safety zone
1. Monday before Mardi Gras	Riverwalk Marketplace/Lundi Gras Fireworks Display.	Mississippi River, New Orleans, LA.	Mississippi River mile marker 93.0 to 96.0, New Orleans, LA.
2. July 3rd	St. John the Baptist/Independence Day celebration.	Mississippi River, Reserve, LA.	Mississippi River mile marker 137.5 to 138.5, Reserve, LA.
3. July 4th	Riverfront Marketing Group/Independence Day Celebration.	Mississippi River, New Orleans, LA.	Mississippi River mile marker 94.3 to 95.3, New Orleans, LA.
4. July 4th	Boomtown Casino/Independence Day Celebration.	Harvey Canal, Harvey, LA ...	Harvey Canal mile marker 4.0 to 5.0, Harvey, LA.

TABLE 5 OF § 165.801—SECTOR NEW ORLEANS ANNUAL AND RECURRING SAFETY ZONES—Continued

Date	Sponsor/name	Sector New Orleans location	Safety zone
5. July 4th	Independence Day Celebration, Main Street 4th of July (Fireworks Display).	Morgan City, LA	Morgan City Port Allen Route mile marker 0.0 to 1.0, Morgan City, LA.
6. July 4th	WBRZ—The Advocate 4th of July Fireworks Display.	Baton Rouge, LA	In the vicinity of the USS Kidd, the Lower Mississippi River from mile marker 228.8 to 230.0, Baton Rouge, LA.
7. The Saturday before July 4th or on July 4th if that day is a Saturday.	Independence Day Celebration/Bridge Side Marine.	Grand Isle, LA	500 Foot Radius from the Pier located at Bridge Side Marine, 2012 LA Highway 1, Grand Isle, LA (Lat: 29°12′14″ N; Long: 090°02′28.47″ W).
8. 1st Weekend of September	LA Shrimp and Petroleum Festival Fireworks Display, LA Shrimp and Petroleum Festival and Fair Association.	Morgan City, LA	Atchafalaya River at mile marker 118.5, Morgan City, LA.
9. 1st Weekend in December (Usually that Friday, subject to change due to weather).	Office of Mayor-President/Downtown Festival of Lights.	Baton Rouge, LA	Located on Left Descending Bank, Lower Mississippi River north of the USS Kidd, at mile marker 230, Baton Rouge, LA.
10. December 31st	Crescent City Countdown Club/New Year's Celebration.	Mississippi River, New Orleans, LA.	Mississippi River mile marker 93.5–96.5, New Orleans, LA.
11. December 31st	Boomtown Casino/New Year's Celebration.	Harvey Canal, Harvey, LA	Harvey Canal mile marker 4.0 to 5.0, Harvey, LA.
12. July 4th	USS Kidd Veterans Memorial/Fourth of July Star-Spangled Celebration.	Baton Rouge, LA	In the vicinity of the USS Kidd, the Lower Mississippi River from mile marker 228.8 to 230.0, Baton Rouge, LA.
13. Saturday before Labor Day.	Baton Rouge Paddle Club and Muddy Water Paddle Co./Big River Regional.	Baton Rouge, LA	Mississippi River from mile marker 215 to 230.4, Baton Rouge, LA.
14. July 4th	L'Auberge Casino Baton Rouge/July 4th Celebration.	Baton Rouge, LA	Mississippi River from mile marker 216.0 to 217.5, Baton Rouge, LA.
15. July 4th	Madisonville Old Fashioned 4th of July	Madisonville, LA	Tchefuncte River, at approximate position 30°24′11.63″ N 090°09′17.39″ W, in front of the Madisonville Town Hall.
16. Weekend before July 4th	Mandeville July 4th Celebration	Mandeville, LA	Approximately 600′ off the shore of the Mandeville Lakefront 30°21′12.03″ N 90°04′ 28.95″ W.

Dated: October 31, 2018.

W.E. Watson,

Captain, U.S. Coast Guard, Acting Captain of the Port Sector New Orleans.

[FR Doc. 2018–24230 Filed 11–5–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2017–0538; FRL–9982–75]

Fludioxonil; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes revised tolerances for residues of fludioxonil in or on beet, sugar, roots at 4.0 parts per million. Syngenta Crop Protection, LLC requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective November 6, 2018. Objections and requests for hearings must be received on or before January 7, 2019, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2017–0538, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).

- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2017–0538 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before January 7, 2019. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2017–0538, by one of the following methods:

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

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

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of December 15, 2017 (82 FR 59604) (FRL–9970–50), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 7F8592) by Syngenta Crop Protection, LLC, 410 Swing Road, Greensboro, NC 27409. The petition requested that the existing tolerance in 40 CFR 180.516 for residues of the fungicide fludioxonil, 4-(2, 2-difluoro-1,3-benzodioxol-4-yl)-1*H*-pyrrole-3-carbonitrile, in or on beet, sugar, roots be amended to 5.0 parts per million (ppm). That document referenced a summary of the petition prepared by Syngenta Crop Protection, LLC, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA has determined that the tolerance be set at 4.0 ppm, which is less than the tolerance level of 5.0 ppm proposed by the petitioner. The reason for this change is explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

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

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

A. Toxicological Profile

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

In all species tested, the effects in the fludioxonil database are indicative of toxicity to the liver, kidney, and hematopoietic system (dogs only). There were also decreased body weights and clinical signs throughout the database. Fludioxonil was non-toxic through the dermal route and there was no evidence of immunotoxicity when tested up to the limit dose. Fludioxonil was not mutagenic in the tests for gene mutations. There was no quantitative or qualitative evidence of increased susceptibility following *in utero* exposure to rats and rabbits or following pre-/postnatal exposure to rats.

In a rat developmental toxicity study, fludioxonil caused an increase in fetal incidence and litter incidence of both dilated renal pelvis and ureter at the limit dose (1000 mg/kg/day). These effects are known to occur spontaneously in the rat, in addition to being transient and reversible, which is consistent with the fludioxonil hazard database (not seen in offspring in the two-generation reproductive study). Maternal toxicity occurred at the same dose and manifested as body-weight decrements. Fludioxonil was not developmentally toxic in rabbits. In the two-generation reproduction study, parental and offspring effects occurred at the same dose and consisted of decreased body weights in parental and offspring animals, as well as increased clinical signs in parental animals.

Fludioxonil was classified as a Group D carcinogen (not classifiable as to human carcinogenicity); therefore, there is no need for a quantitative cancer risk assessment.

Specific information on the studies received and the nature of the adverse effects caused by fludioxonil as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document Fludioxonil. ''Human Health Risk Assessment for the Proposed New Post

Harvest Use on Sugar Beets.'' at pg. 11 in docket ID number EPA–HQ–OPP–2017–0538.

B. Toxicological Points of Departure/ Levels of Concern

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

A summary of the toxicological endpoints for fludioxonil used for human risk assessment is discussed in Unit III.B. of the final rule published in the **Federal Register** of April 14, 2015 (80 FR 48743) (FRL–9931–06).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to fludioxonil, EPA considered exposure under the petitioned-for tolerance as well as all existing fludioxonil tolerances in 40 CFR 180.516. EPA assessed dietary exposures from fludioxonil in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

No such effects were identified in the toxicological studies for fludioxonil; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the United States Department of Agriculture (USDA) 2003–2008 National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA). As to residue levels in food, EPA an unrefined chronic dietary exposure and risk assessment was conducted assuming 100% percent crop treated (PCT) and tolerance-level residues for all food commodities. The Processing Factor Focus (PFFG) default processing factors were used.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has classified fludioxonil as a group D carcinogen, *i.e.,* not classifiable as to human carcinogenicity. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and percent crop treated (PCT) information.*

EPA did not use anticipated residue and/or PCT information in the dietary assessment for fludioxonil. Tolerance level residues and/or 100% CT were assumed for all food commodities.

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

Based on the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM) and the Variable Volume Water Model (VVWM) along with the Pesticide Root Zone Model Ground Water (PRZM GW) were used, the estimated drinking water concentrations (EDWCs) of fludioxonil for chronic exposures for non-cancer assessments are estimated to be 17.7 parts per billion (ppb) for surface water and 48.34 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For chronic dietary risk assessment, the water concentration of value 48.34 ppb was used to assess the contribution to drinking water.

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

Fludioxonil is currently registered for the following uses that could result in residential exposures: Parks, golf courses, athletic fields, residential lawns, ornamentals, and greenhouses. EPA assessed residential exposure based on the following: The residential exposure for use in the adult aggregate assessment reflects inhalation exposures from handler exposure to applying paints with airless sprayers. The residential exposure for use in the children 1 to <2 years old aggregate assessment reflects incidental oral exposures (hand-to-mouth) from post-application exposure to outdoor treated turf.

Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide.*

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

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

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of

safety is commonly referred to as the Food Quality Protection Act Safety Factor (FQPA SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There was no quantitative or qualitative evidence of increased susceptibility following *in utero* exposure to rats and rabbits or following pre-/postnatal exposure. In a rat developmental toxicity study, fludioxonil caused an increase in fetal incidence and litter incidence of dilated renal pelvis at the limit dose (1,000 mg/kg/day). Maternal toxicity occurred at the same dose and manifested as body weight decrements. Fludioxonil was not developmentally toxic in rabbits. In the 2-generation reproduction study, parental and offspring effects occurred at the same dose and consisted of decreased body weights in parental and offspring animals, as well as increased clinical signs in parental animals.

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

i. The toxicity database for fludioxonil is complete.

ii. There is low concern that fludioxonil is a neurotoxic chemical. The only potential indicator of neurotoxicity for fludioxonil was convulsions in mice following handling in the mouse carcinogenicity study at the mid- and high-doses. There was no supportive neuropathology, the effect was not seen at similar doses in a second mouse carcinogenicity study, there were no other signs of potential neurotoxicity observed in the database, and selected endpoints are protective of the effect seen in mice. Therefore, there is no residual uncertainty concerning neurotoxicity and no need to retain the FQPA 10X safety factor.

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

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

E. Aggregate Risks and Determination of Safety

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

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

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to fludioxonil from food and water will utilize 51% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of fludioxonil is not expected.

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

Fludioxonil is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to fludioxonil.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs of 15,000 for adults and 4,600 for children 1–2 years old. Because EPA's level of concern for fludioxonil is a MOE of 100 or below, these MOEs are not of concern.

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

Intermediate- and long-term aggregate risk assessments were not performed because there are no registered or proposed uses of fludioxonil that result in intermediate- or long-term residential exposures.

5. *Aggregate cancer risk for U.S. population.* Based on the discussion contained in Unit III.A., fludioxonil is not expected to pose a cancer risk to humans.

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

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology high-performance liquid chromatography/ultraviolet (HPLC/UV) methods (Methods AG–597 and AG–597B) are available for enforcing tolerances for fludioxonil on plant commodities. An adequate liquid chromatography, tandem mass spectrometry (LC–MS/MS) method (Analytical Method GRM025.03A) is available for enforcing tolerances for residues of fludioxonil in or on livestock commodities.

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

B. International Residue Limits

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

different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

There is no Codex MRL for sugar beet roots for fludioxonil.

C. Revisions to Petitioned-For Tolerances

All tolerance levels are based upon the Organization for Economic Co-operation and Development's (OECD) tolerance calculation procedures. Based on the residue chemistry data and the OECD tolerance-calculation procedure, the tolerance level established in this notice for fludioxonil on beet, sugar, roots is lower (4.0 ppm) than that requested by the petitioner (5.0 ppm).

V. Conclusion

Therefore, the tolerance is amended for residues of fludioxonil: [4-(2, 2-difluoro-1,3-benzodioxol-4-yl)-1*H*-pyrrole-3-carbonitrile], in or on beet, sugar, roots from 0.02 ppm to 4.0 ppm.

VI. Statutory and Executive Order Reviews

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

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

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

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

VII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: October 16, 2018.

Michael Goodis,

Director, Registration Division, Office of Pesticide Program.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.516, revise the tolerance for ''Beet, sugar, roots'' in the table of paragraph (a)(1), to read as follows:

§ 180.516 Fludioxonil; tolerance for residues.

(a) General. (1) * * *

Commodity	Parts per million
* * * * *	
Beet, sugar, roots	4.0
* * * * *	

* * * * *

[FR Doc. 2018–24265 Filed 11–5–18; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 83, No. 215
Tuesday, November 6, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0508; Product Identifier 2018–NM–012–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM); reopening of comment period.

SUMMARY: We are revising an earlier proposal, which would have applied to certain Airbus SAS Model A350–941 airplanes. This action revises the notice of proposed rulemaking (NPRM) by adding airplanes to the applicability and proposing to require revised maintenance requirements and airworthiness limitations. We are proposing this airworthiness directive (AD) to address the unsafe condition on these products. Since these changes would impose an additional burden over the proposed requirements in the NPRM, we are reopening the comment period to allow the public the chance to comment on these proposed changes.

DATES: The comment period for the NPRM published in the **Federal Register** on June 11, 2018 (83 FR 26884), is reopened.

We must receive comments on this SNPRM by December 21, 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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Airbus SAS, Airworthiness Office—EAL, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *continued-airworthiness.a350@airbus.com;* internet *http://www.airbus.com.* You may view this 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–2018–0508; 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 SNPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

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–2018–0508; Product Identifier 2018–NM–012–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this SNPRM. We will consider all comments received by the closing date and may amend this SNPRM 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 SNPRM.

Discussion

We issued an NPRM to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus SAS Model A350–941 airplanes. The NPRM published in the **Federal Register** on June 11, 2018 (83 FR 26884). The NPRM was prompted by a determination that more restrictive maintenance requirements and airworthiness limitations are necessary. The NPRM proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive maintenance requirements and airworthiness limitations.

Actions Since the NPRM Was Issued

Since we issued the NPRM, the service information referenced in the NPRM has been further revised to include new or more restrictive maintenance requirements and airworthiness limitations.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0179, dated August 23, 2018, to correct an unsafe condition on all Airbus SAS Model A350–941 and –1041 airplanes. EASA AD 2018–0179 states:

> Certification Maintenance Requirements (CMR) for the Airbus A350, which are approved by EASA, are currently defined and published in the Airbus A350 ALS Part 3 document. 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 2018–0004 to require the actions as specified in Airbus A350 ALS Part 3 Revision 04.
>
> Since this [EASA] AD was issued, Airbus published variation 4.2 of Airbus A350 ALS Part 3, to introduce new and more restrictive CMRs.
>
> For the reason described above, this [EASA] AD requires accomplishment of the actions specified in the ALS.

EASA previously issued AD 2018–0004, dated January 9, 2018, to correct an unsafe condition on all Airbus SAS Model A350–941 airplanes. EASA AD 2018–0004 states:

Certification Maintenance Requirements (CMR) for the Airbus A350, which are approved by EASA, are currently defined and published in the Airbus A350 ALS Part 3 document. 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 2017–0029 to require the actions as specified in Airbus A350 ALS Part 3 Revision 03.

Since this [EASA] AD was issued, Airbus published Revision 04 of Airbus A350 ALS Part 3, to introduce new and more restrictive CMRs.

For the reason described above, this [EASA] AD retains the requirements of EASA AD 2017–0029, which is superseded, and requires accomplishment of the actions specified in the ALS.

EASA ADs 2018–0004 and 2018–0179 are collectively referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''. 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–2018–0508.

Related Service Information Under 1 CFR Part 51

Airbus has issued A350 Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirements (CMR), Revision 04, dated December 15, 2017, as supplemented by Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirements (CMR), Variation 4.2, dated July 26, 2018, which 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.

Comments

We gave the public the opportunity to participate in developing this proposed AD. We considered the comment received.

Request To Use Later-Approved Revisions of the Service Information

Delta Air Lines (DAL) requested that we revise the proposed AD to allow use of later-approved revisions of the service information. DAL stated that the allowance of later-approved revisions would address the Airworthiness Limitation and Type Design conflict cited in the Supplemental Information section of the NPRM, without applying conditions to the applicability that are related to the original certificate of airworthiness date or original export certificate of airworthiness date. DAL also stated that Airbus recommends that operators consider implementing later-approved revisions to eliminate the need for operators to obtain an alternative method of compliance (AMOC) when updating maintenance programs to more current revisions and variations of Airbus A350 Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirements (CMR). DAL stated that the revisions and variations are EASA-approved documents and therefore FAA-approved documents via bilateral agreements. DAL added that fewer AMOCs would reduce the workload of both the FAA and operators.

We disagree with the commenter's request. We may not refer to any document that does not yet exist. Doing so violates Office of the Federal Register (OFR) regulations for approval of materials ''incorporated by reference,'' as specified in 1 CFR 51.1(f). In general terms, we are required by these OFR regulations to either publish the service document contents as part of the actual AD language; or submit the service document to the OFR for approval as ''referenced'' material, in which case we may only refer to such material in the text of an AD. An AD may refer to the service document only if the OFR approved it for ''incorporation by reference.'' See 1 CFR part 51.

To allow operators to use later revisions of the referenced document (issued after publication of the AD), either we must revise the AD to refer to specific later revisions, or operators must request approval to use later revisions as an AMOC with the AD under the provisions of paragraph (i)(1) of this proposed AD. We have not changed this proposed AD in this regard.

FAA's Determination and Proposed Requirements of This SNPRM

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.

Certain changes described above expand the scope of the NPRM. As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

Costs of Compliance

We estimate that this proposed AD affects 11 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

We have determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although this figure 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 proposed AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes and associated appliances to the Director of the System Oversight Division.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a

substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus: Docket No. FAA–2018–0508; Product Identifier 2018–NM–012–AD.

(a) Comments Due Date

We must receive comments by December 21, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model A350–941 and -1041 airplanes, certificated in any category, with an original certificate of airworthiness or original export certificate of airworthiness issued on or before July 26, 2018.

(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 safety-significant latent failures that would, in combination with one or more other specific failures or events, result in a hazardous or catastrophic failure condition.

(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 existing maintenance or inspection program, as applicable, to incorporate Airbus A350 Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirements (CMR), Revision 04, dated December 15, 2017, as supplemented by Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirements (CMR), Variation 4.2, dated July 26, 2018. The initial compliance time for accomplishing the actions is at the applicable times specified in Airbus A350 Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirements (CMR), Revision 04, dated December 15, 2017, including Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirements (CMR), Variation 4.2, dated July 26, 2018; or within 90 days after the effective date of this AD; whichever occurs later.

(h) No Alternative Actions or Intervals

After the existing 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, 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 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.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018–0179, dated August 23, 2018, and EASA AD 2018–0004, dated January 9, 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–2018–0508.

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

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *continued-airworthiness.a350@airbus.com;* internet *http://www.airbus.com.* 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 October 25, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–24019 Filed 11–5–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0907; Product Identifier 2018–NM–118–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2017–07–05, which applies to all Airbus SAS Model A300 series airplanes; and Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). AD 2017–07–05 requires repetitive detailed visual inspections of the main landing gear (MLG) leg components and replacement of the MLG leg if cracked components are found. Since we issued AD 2017–07–05, further investigation revealed that overhaul of the MLG does not alleviate the need for inspecting the MLG hinge arm/barrel pin for cracking. This proposed AD would retain the requirements of AD 2017–07–05 and remove the credit for doing a MLG overhaul in lieu of the initial inspection of the MLG leg components. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by December 21, 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 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.

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–2018–0907; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: 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:

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–2018–0907; Product Identifier 2018–NM–118–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 2017–07–05, Amendment 39–18843 (82 FR 16101, April 3, 2017) (''AD 2017–07–05''), for all Airbus SAS Model A300 series airplanes; and Model A300–600 series airplanes. AD 2017–07–05 requires repetitive detailed visual inspections of the MLG leg components and replacement of the MLG leg if cracked components are found. AD 2017–07–05 resulted from reports of cracks in MLG leg components. We issued AD 2017–07–05 to address cracking of certain components in the MLG leg, which could result in a MLG collapse, and consequent damage to the airplane and injury to the airplane occupants.

Actions Since AD 2017–07–05 Was Issued

Since we issued AD 2017–07–05, further investigation revealed that overhaul of the MLG does not alleviate the need for inspecting the MLG hinge arm/barrel pin for cracking. This proposed AD would retain the requirements of AD 2017–07–05 and remove the credit for substituting MLG overhaul in lieu of the initial inspection of the MLG leg components.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0170, dated August 6, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus SAS Model A300 series airplanes; and Model A300–600 series airplanes. The MCAI states:

> Two cases were reported of finding a cracked MLG hinge arm/barrel pin, one was discovered in service during a maintenance task and the other one was identified during MLG overhaul.
>
> This condition, if not detected and corrected, could lead to MLG collapse, possibly resulting in damage to the aeroplane and injury to occupants.
>
> To address this potential unsafe condition, Airbus issued [Alert Operators Transmission] AOT A32W008–16 (original issue) to provide instructions for detailed visual inspections (DET) to detect cracks and EASA issued AD 2016–0058 accordingly [which corresponds to FAA AD 2017–07–05], requiring repetitive DET of the affected parts and, depending on findings, replacement of the affected MLG leg.
>
> Since that AD was issued, further investigation results highlighted that, the overhaul of the MLG cannot alleviate the inspection need of the hinge arm/barrel pin.
>
> For the reasons described above, this [EASA] AD retains the requirement of EASA AD 2016–0058, which is superseded, removing the credit of MLG overhaul for the first inspection of the pin.

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–2018–0907.

Related Service Information Under 1 CFR Part 51

Airbus has issued Alert Operators Transmission (AOT) A32W008–16, Rev 01, dated July 30, 2018, including Appendixes 1 through 4. This service information describes procedures for inspecting the MLG hinge arm/barrel pin for cracking, and replacement of the MLG leg if cracking is detected. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the

MCAI and service information referenced above. We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed Requirements of this NPRM

This proposed AD would retain all requirements of AD 2017–07–05. This proposed AD would require repetitive detailed visual inspections of the MLG leg components for cracking and replacement of the MLG leg if cracked components are found. This proposed AD also would require reporting the findings of each inspection by sending the inspection results to Airbus SAS.

Costs of Compliance

We estimate that this proposed AD affects 128 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × $85 per hour = $85, per inspection cycle.	$0	$85, per inspection cycle	$10,880, per inspection cycle.

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
20 work-hours × $85 per hour = $1,700 per MLG	$3,400,000 per MLG	$3,401,700 per MLG.

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

The new requirements of this proposed AD add no additional economic burden.

Paperwork Reduction Act

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

Authority for This Rulemaking

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

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

This 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) 2017–07–05, Amendment 39–18843 (82 FR 16101, April 3, 2017), and adding the following new AD:

Airbus SAS: Docket No. FAA–2018–0907; Product Identifier 2018–NM–118–AD.

(a) Comments Due Date

We must receive comments by December 21, 2018.

(b) Affected ADs

This AD replaces AD 2017–07–05, Amendment 39–18843 (82 FR 16101, April 3, 2017) (''AD 2017–07–05'').

(c) Applicability

This AD applies to Airbus SAS airplanes, certificated in any category, all manufacturer serial numbers, identified in paragraphs (c)(1) through (c)(5) of this AD.

(1) Model A300 B2–1A, B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes.

(2) Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes.

(3) Model A300 B4–605R and B4–622R airplanes.

(4) Model A300 F4–605R and F4–622R airplanes.

(5) Model A300 C4–605R Variant F airplanes.

(d) Subject

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

(e) Reason

This AD was prompted by reports of cracks in main landing gear (MLG) leg components. We are issuing this AD to address cracking of certain components in the MLG leg, which could result in a MLG collapse, and consequent damage to the airplane and injury to the airplane occupants.

(f) Compliance

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

(g) Definition

For the purpose of this AD an affected part is an MLG hinge arm/barrel pin having part number (P/N) C66441–(X) and P/N C65543–(X), where the X is representing a variable number.

(h) Repetitive Inspections

At the applicable compliance time specified in figure 1 to paragraph (h) of this AD, and thereafter at intervals not to exceed 100 flight cycles, accomplish a detailed visual inspection of the internal diameter of each affected MLG hinge arm/barrel pin for cracking, in accordance with the instructions of Airbus Alert Operators Transmission (AOT) A32W008–16, Rev 01, dated July 30, 2018, including Appendixes 1 through 4, (''AOT 32W008–16, Rev 01'').

Figure 1 to paragraph (h) of this AD – *Compliance time for initial inspection*

Compliance time (whichever occurs later between A and B, or between A and C, as applicable)	
A	Within 30 months since the pin's first flight on an airplane.
B (For airplanes on which an inspection specified in Airbus AOT A32W008-16 has not been done as of the effective date of this AD)	Within 30 days after the effective date of this AD, without exceeding the later of (1) Within 30 months since the pin's first flight on an airplane, or since the pin's first flight on an airplane after overhaul, as applicable and (2) Within 30 days after May 8, 2017 (the effective date of AD 2017-07-05).
C (For airplanes on which an inspection specified in Airbus AOT A32W008-16 has been done as of the effective date of this AD)	Within 30 days after the effective date of this AD, without exceeding 100 flight cycles since the most recent inspection.

(i) Corrective Action

If any crack is found during any inspection required by paragraph (h) of this AD: Before further flight, replace the MLG leg in accordance with the instructions of Airbus AOT 32W008–16, Rev 01. Replacement of a MLG leg does not constitute terminating action for the repetitive inspections required by paragraph (h) of this AD.

(j) Reporting

At the applicable time specified in paragraph (j)(1) or (j)(2) of this AD, report the inspection results required by paragraph (h) of this AD to Airbus SAS. This can be accomplished using the instructions of Airbus AOT 32W008–16, Rev 01.

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

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

(k) Credit for Previous Actions

This paragraph provides credit for the initial inspection required by paragraph (h) of this AD and corrective actions required by paragraph (i) of this AD, if those actions were performed before the effective date of this AD using the instructions of Airbus AOT A32W008–16, dated February 25, 2016, including Appendices 1 through 4.

(l) 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 (m)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018–0170, dated August 6, 2018, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0907.

(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) 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.* 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 October 24, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–24020 Filed 11–5–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0916; Product Identifier 2018–NE–33–AD]

RIN 2120–AA64

Airworthiness Directives; BRP-Rotax GmbH & Co KG Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain BRP-Rotax GmbH & Co KG (Rotax) 912 and 914 model engines. This proposed AD was prompted by power loss and engine revolutions per minute (RPM) drop on Rotax 912 and 914 model engines due to a quality control deficiency in the manufacturing process of certain valve push-rod assemblies resulting in partial wear on the rocker arm ball socket and possible malfunction of the valve. This proposed AD would require a one-time inspection and, depending on the findings, replacement of the affected parts with parts eligible for installation. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by December 21, 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 BRP-Rotax GmbH & Co KG, Rotaxstrasse 1, A–4623 Gunskirchen, Austria; phone: +43 7246 601 0; fax: +43 7246 601 9130; email: *airworthiness@brp.com;* internet: *www.flyrotax.com.* You may view this service information at the FAA, Engine & Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759.

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–2018–0916; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), 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: Wego Wang, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7134; fax: 781–238–7199; email: *wego.wang@faa.gov.*

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–2018–0916; Product Identifier 2018–NE–33–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of 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 NPRM.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2017–0208, dated October 13, 2017 (referred to after this as ''the MCAI''), to address the unsafe condition on these products. The MCAI states:

> Power loss and engine RPM drop have been reported on Rotax 912/914 engines in service. It has been determined that, due to a quality control deficiency in the manufacturing process of certain valve push-rod assemblies, manufactured between 08 June 2016 and 02 October 2017 inclusive, partial wear on the rocker arm ball socket

may occur, which may lead to malfunction of the valve train.

This condition, if not detected and corrected, may lead to rough engine operation and loss of power, possibly resulting in a forced landing, with consequent damage to the aeroplane and injury to occupants.

To address this potential unsafe condition, BRP-Rotax issued Service Bulletin (SB) SB–912 i–008/SB–912–070/SB–914–052 (single document), providing applicable instructions.

For the reason described above, this [EASA] AD requires a one-time inspection and, depending on findings, replacement of affected parts. This [EASA] AD also prohibits installation of affected parts on an engine.

You may obtain further information by examining the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0916.

Related Service Information Under 1 CFR Part 51

We reviewed Rotax Service Bulletin (SB) SB–912 i-008 R1/SB–912–070 R1/SB–914–052 R1 (single document), Revision 1, dated October 12, 2017. The SB describes procedures for inspection and replacement of the valve push-rod assembly and the left and right rocker arms. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

This product has been approved by EASA, and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all the relevant information provided by EASA and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require a one-time inspection and, depending on the findings, replacement of the affected parts with parts eligible for installation.

Costs of Compliance

We estimate that this proposed AD affects 150 engines installed on 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
Inspect the push-rod rocker arm ball sockets	1 work-hour × $85 per hour = $85	$0	$85	$12,750

We estimate the following costs to do any necessary replacements that would be required based on the results of the proposed inspection. We estimate that 50 engines will need this replacement.

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace the valve push-rod assembly and rocker arm ball sockets.	0.5 work-hours × $85 per hour = $42.50	$3,000	$3,042.50	$152,125

Authority for This Rulemaking

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

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

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

Regulatory Findings

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 adding the following new airworthiness directive (AD):

BRP-Rotax GmbH & Co KG (formerly BRP-Powertrain GmbH & Co KG; Bombardier-Rotax GmbH & Co KG; Bombardier-Rotax GmbH): Docket No. FAA–2018–0916; Product Identifier 2018–NE–33–AD.

(a) Comments Due Date

We must receive comments by December 21, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to:

(1) BRP-Rotax GmbH & Co KG (Rotax) 912 F2, 912 F3, and 912 F4 engines, with serial number (S/N) 4 413 066 to 4 413 067, inclusive; and S/N 4 413 101 to 4 413 111, inclusive;

(2) Rotax 912 S2, 912 S3, and 912 S4 engines, with S/Ns 9 563 826 to 9 563 849, inclusive; S/Ns 9 564 301 to 9 564 508, inclusive; and S/N 9 564 510 to 9 564 534, inclusive;

(3) Rotax 914 F2, 914 F3, and 914 F4 engines, with S/Ns 4 421 581 to 4 421 597, inclusive; and S/N 4 421 701 to 4 421 833, inclusive; and

(4) Rotax 912 F2, 912 F3, 912 F4, 912 S2, 912 S3, 912 S4, 914 F2, 914 F3, and 914 F4 engines (all S/Ns) on which a valve push-rod assembly has been replaced between June 8, 2016 and the effective date of this AD.

(d) Subject Condition

Joint Aircraft System Component (JASC) Code 8530, Reciprocating Engine Cylinder Section.

(e) Unsafe Condition

This AD was prompted by power loss and engine revolutions per minute drop on Rotax 912 and 914 model engines due to a quality control deficiency in the manufacturing process of certain valve push-rod assemblies resulting in partial wear on the rocker arm ball socket and possible malfunction of the valve. We are issuing this AD to prevent failure of the valve push-rod assembly and the left and right rocker arms. The unsafe condition, if not addressed, could result in loss of engine thrust control and reduced control of the airplane.

(f) Compliance

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

(g) Required Actions

(1) Visually inspect the push-rod ball sockets of each valve push-rod assembly in accordance with paragraph 3.1.2. of BRP-Rotax Service Bulletin (SB) SB–912 i–008 R1/SB–912–070 R1/SB–914–052 R1 (single document), Revision 1, dated October 12, 2017, and within the following compliance times.

(i) For engines with 160 engine flight hours (FHs) or fewer since new, inspect before exceeding 170 FHs since new, or within three months after the effective date of this AD, whichever occurs first.

(ii) For engines with greater than 160 engine FHs since new, inspect within 10 FHs, or three months after the effective date of this AD, whichever occurs first.

(2) If the inspection required by paragraph (g)(1) of this AD finds a black surface color on a valve push-rod assembly, part number (P/N) 854861, then before further flight, remove the valve push-rod assembly and the left and right rocker arm ball sockets, P/Ns 854383 and 854393, from service, and replace with parts eligible for installation.

(h) Installation Prohibition

After the effective date of this AD, do not install a valve push-rod assembly, P/N 854861, that was manufactured between June 8, 2016, and October 2, 2017, on any engine, or that exhibits a black surface color on the push-rod rocker arm ball sockets.

(i) Alternative Methods of Compliance (AMOCs)

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

(j) Related Information

(1) For more information about this AD, contact Wego Wang, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7134; fax: 781–238–7199; email: *wego.wang@faa.gov.*

(2) Refer to European Aviation Safety Agency AD 2017–0208, dated October 13, 2017, for more information. You may examine the EASA AD in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2018–0916.

(3) For service information identified in this AD, contact BRP-Rotax GmbH & Co KG, Rotaxstrasse 1, A–4623 Gunskirchen, Austria; phone: +43 7246 601 0; fax: +43 7246 601 9130; email: *airworthiness@brp.com;* internet: *www.flyrotax.com.* You may view this referenced service information at the FAA, Engine & Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759.

Issued in Burlington, Massachusetts, on October 30, 2018.

Robert J. Ganley,

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

[FR Doc. 2018–24044 Filed 11–5–18; 8:45 am]

BILLING CODE 4910–13–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

45 CFR Part 1148

RIN 3135–AA27

Implementing the Freedom of Information Act

AGENCY: National Endowment for the Arts, National Foundation on the Arts and the Humanities.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On June 9, 2017, the NEA proposed a rule titled Implementing the Freedom of Information Act. This rule proposes amending the National Endowment for the Arts' (NEA) regulations implementing the Freedom of Information Act (FOIA). The new proposed rule reflects statutory changes to FOIA, current NEA organizational structure, and current NEA policies and practices with respect to FOIA. Finally, the proposed rule uses current cost figures in calculating and charging fees. Due to delays in publishing the final rule, the agency is re-opening the comment period on these rules for an additional 30 days.

DATES: Written comments must be received on or before December 6, 2018.

ADDRESSES: You may submit comments, identified by RIN 3135–AA27, by any of the following methods:

(a) *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.

(b) *Email: generalcounsel@arts.gov.* Include RIN 3135–AA27 in the subject line of the message.

(c) *Mail:* National Endowment for the Arts, Office of the General Counsel, 400 7th Street SW, Second Floor, Washington, DC 20506.

(d) *Hand Delivery/Courier:* National Endowment for the Arts, Office of the

General Counsel, 400 7th Street SW, Second Floor, Washington, DC 20506.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (3135–AA27) for this rulemaking.

Docket: For access to the docket to read background documents or comments received, go to 400 7th Street, SW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Sarah Weingast, Assistant General Counsel, National Endowment for the Arts, 400 7th St. SW, Washington, DC 20506, Telephone: 202–682–5418.

SUPPLEMENTARY INFORMATION:

1. Background

On June 9, 2017 the NEA published a notice of proposed rulemaking (NPRM) for certain amendments to its FOIA Regulations (82 FR 26763). In the preamble of the NPRM, the NEA discussed on pages 26763 and 26764 the major changes proposed in that document to the FOIA regulations. These included the following:

- The addition of NEA-specific FOIA regulations at 45 CFR part 1148.
- The requirements of the FOIA Improvement Act of 2016 (Pub. L. 114–185)

The NEA has not yet issued its final FOIA regulation. Due to the delay in issuing the final regulation, the NEA has decided to reopen comments on its draft for an additional 30 days to ensure public input on the proposed rule. The regulations proposed herein contain changes from the initial NPRM, some responsive to the single commenter that initially commented on our regulations and some other minor technical clarifications and corrections.

Public Comment: In response to our invitation in the NPRM, one (1) party submitted comments on the proposed regulations. We discuss the issues raised under the section item to which they pertain. Generally, we do not address technical and other minor changes. In addition, we do not address comments that raise concerns not directly related to the proposed regulations.

General Comments

§ 1148.5 (e)(3) Expedited Processing and Professional Status

Comment: One commenter addressed a potential discrepancy between § 1148.5 (e)(3) and the FOIA statute, suggesting that we clarify the language in that section by removing the word ''professional'' because the FOIA statute does not specifically include this requirement. The commenter asserts that this adds a requirement not otherwise contemplated in the FOIA statute.

Discussion: The NEA declines to revise this section. The sentence referenced in this subsection reads as follows: ''For example, under paragraph (e)(1)(ii) of this section, a requester who is not a full-time member of the news media must establish that the requester is a person whose primary professional activity or occupation is information dissemination, though it need not be the requester's sole occupation.'' This language is exemplary, and included for purposes of guidance and clarity. It does not, in and of itself, create any new requirement for an entity to qualify for expedited processing beyond that which is already imposed by the FOIA statute or these regulations. Rather, this section reflects that the NEA has made the determination that to prove a ''compelling need'' per 5 U.S.C. 552(a)(6)(E), an individual who is not a full time member of the news media must provide certain kinds of information in order to meet the requirements of § 552(a)(6)(E)(vi). Accordingly, the NEA declines to change the proposed regulation.

Changes: None.

§ 1148.6 (f) Denial Letter Requirements

Comment: One commenter identified two elements of the denial letter that were required by regulation: the FOIA Case Number and 90 day appeal deadline.

Discussion: Because the NEA already regularly informs FOIA requesters of the 90 day appeal deadline in its denial letters, we can accept this suggested change.

Changes: § 1148.6(f)(4), which spells out the requirements of the denial letter, has been changed to include mention of the 90 day deadline.

§ 1148.10(h) Aggregation Clarification

Comment: The commenter notes that the proposed regulation permits the NEA to presume that multiple requests of a certain type made in a 30 day period are being made to avoid fees. The commenter asserts that other unspecified agencies aggregate requests in a short timespan, even if they are otherwise not permitted to do so because the matters are unrelated.

Discussion: The NEA declines to revise this section. This section permits the agency to aggregate requests when it reasonably believes that ''a requester or a group of requesters acting in concert is attempting to divide a single request into a series of requests for the purpose of avoiding fees.'' As the commenter brings to our attention, other provisions of the FOIA and these regulations exist which proscribe aggregating unrelated matters. Accordingly, there is no concern which would be addressed by a change responsive to this comment.

Changes: None

§ 1148.8 Appeal Deadline Clarification

Comment: The commenter notes that subsections (a) and (f) of this section contain discrepancies in language surrounding appeals deadlines which may conflict with the FOIA statute. Namely, subsection (a) makes reference to a timely appeal occurring ''within 90 calendar days *after the date of response,*'' subsection (f) makes reference to a deadline that is 90 days ''*after receiving* the NEA's adverse determination.'' (emphasis added throughout)

Discussion: The discrepancy noted by the commenter is well taken, and the NEA will adjust *§ 1148.8(a) and (f)* to clarify that the requester has 90 calendar days from the date of the NEA's adverse determination.

Changes: § 1148.8(a) is amended to make reference to an adverse determination rather than receiving a response. *§ 1148.8(f)* is amended to remove reference to ''receipt'' as a factor in assessing the duration of the 90 calendar day period during which a requester can appeal an adverse determination, respectively.

Technical Corrections and Other Updates

Upon review, the agency has undertaken to provide a number of minor clarifications and corrections which appear throughout this document. For example, the agency has clarified which deadlines are based on calendar days and which deadlines are based on working days. In addition, the examples to § 1148.10(b)(4) are modified slightly to apply to factual situations applicable to the NEA, rather than being applicable to other agencies.

2. Compliance

Regulatory Planning and Review (Executive Order 12866)

Executive Order 12866 (E.O. 12866) established a process for review of rules by the Office of Information and Regulatory Affairs, which is within the Office of Management and Budget (OMB). Only ''significant'' proposed and final rules are subject to review under this Executive Order. ''Significant,'' as used in E.O. 12866, means ''economically significant.'' It refers to rules with (1) an impact on the economy of $100 million; or that (2) were inconsistent or interfered with an action taken or planned by another agency; (3)

materially altered the budgetary impact of entitlements, grants, user fees, or loan programs; or (4) raised novel legal or policy issues.

This proposed rule would not be a significant policy change and OMB has not reviewed this proposed rule under E.O. 12866. We have made the assessments required by E.O. 12866 and determined that this proposed rulemaking: (1) Will not have an effect of $100 million or more on the economy; (2) will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities; (3) will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (4) does not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients; and (5) does not raise novel legal or policy issues.

Federalism (Executive Order 13132)

This proposed rulemaking does not have Federalism implications, as set forth in E.O. 13132. As used in this order, Federalism implications mean ''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.'' The NEA has determined that this proposed rulemaking will not have Federalism implications within the meaning of E.O. 13132.

Civil Justice Reform (Executive Order 12988)

This Directive meets the applicable standards set forth in section 3(a) and 3(b)(2) of E.O. 12988. Specifically, this proposed rule is written in clear language designed to help reduce litigation.

Indian Tribal Governments (Executive Order 13175)

Under the criteria in E.O. 13175, we have evaluated this proposed rule and determined that it would have no potential effects on Federally recognized Indian Tribes.

Takings (Executive Order 12630)

Under the criteria in E.O. 12630, this proposed rulemaking does not have significant takings implications. Therefore, a takings implication assessment is not required.

Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b))

This proposed rulemaking will not have a significant adverse impact on a substantial number of small entities, including small businesses, small governmental jurisdictions, or certain small not-for-profit organizations.

Unfunded Mandates Act of 1995 (Section 202, Pub. L. 104–4)

This proposed rule does not contain a Federal mandate that will result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year.

Small Business Regulatory Enforcement Fairness Act of 1996 (Sec. 804, Pub. L. 104–121)

This proposed rule would not be a major rule as defined in section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This proposed rule will not result in an annual effect on the economy of $100,000,000 or more, a major increase in costs or prices, significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign based companies in domestic and export markets.

Executive Order 13771

Executive Order 13771 § 5 requires that agencies, in most circumstances, remove or rescind two regulations for every regulation promulgated unless they request and are specifically exempted from that order's requirements by the Director of the Office of Management and Budget.

This proposed rule is not subject to the requirements of Executive Order 13771 because this proposed rule is not significant under Executive Order 12866. Furthermore, the NEA has requested and has received an exemption from the requirement that the agency rescind two regulations for every regulation it promulgate from the Director of the Office of Management and Budget.

List of Subjects in 45 CFR Part 1148

Administrative practice and procedure, Archives and records, Freedom of information.

For the reasons stated in the preamble, the NEA proposes to amend 45 CFR chapter XI, subchapter B, by adding part 1148 to read as follows:

PART 1148—PROCEDURES FOR DISCLOSURE OF RECORDS UNDER THE FREEDOM OF INFORMATION ACT (FOIA)

Sec.

1148.1 What is the purpose and scope of these regulations?
1148.2 How will the NEA make proactive disclosures?
1148.3 How can I make a FOIA request?
1148.4 How will the NEA respond to my request?
1148.5 When will the NEA respond to my request?
1148.6 How will I receive responses to my requests?
1148.7 How does the NEA handle confidential commercial information?
1148.8 How can I appeal a denial of my request?
1148.9 What are the NEA's policies regarding preservation of records?
1148.10 How will fees be charged?
1148.11 What other rules apply to NEA FOIA requests?

Authority: 5 U.S.C. 552; 28 U.S.C. 1746; 31 U.S.C. 3717; E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp.

§ 1148.1 What is the purpose and scope of these regulations?

This part contains the rules that the NEA follows in processing requests for records under the Freedom of Information Act (FOIA), 5 U.S.C. 552. These rules should be read in conjunction with the text of the FOIA and the Uniform Freedom of Information Fee Schedule and Guidelines published by the Office of Management and Budget (OMB Guidelines). Requests made by individuals for records about themselves under the Privacy Act of 1974, 5 U.S.C. 552a, are processed in accordance with the NEA's Privacy Act regulations as well as under this part.

§ 1148.2 How will the NEA make proactive disclosures?

Records that the NEA makes available for public inspection in an electronic format may be accessed through the NEA's open government page, available at *https://www.arts.gov/open.* The NEA will determine which of its records should be made publicly available, identify additional records of interest to the public that are appropriate for public disclosure, and post and index such records. The NEA will ensure that its website of posted records and indices is reviewed and updated on an ongoing basis.

§ 1148.3 How can I make a FOIA request?

(a) *General information.* To make a request for records, a requester should write directly to the NEA at National Endowment for the Arts, Office of General Counsel, 400 7th St. SW,

Second Floor, Washington, DC 20506. Requests may also be sent by facsimile to the General Counsel's office at (202) 682–5572, or by email to *foia@arts.gov.*

(b) *Identity requirements.* Depending on the type of document you ask for, the NEA may require verification of your identity or the identity of a third party.

(1) A requester who is making a request for records about himself or herself must comply with the NEA's verification requirements as set forth in § 1159.9 of this chapter.

(2) Where a request for records pertains to another individual, a requester may receive greater access by submitting either a notarized authorization signed by that individual or a declaration made in compliance with the requirements set forth in 28 U.S.C. 1746 by that individual authorizing disclosure of the records to the requester, or by submitting proof that the individual is deceased (*e.g.,* a copy of a death certificate or an obituary). As an exercise of administrative discretion, the NEA may require a requester to supply additional information if necessary in order to verify that a particular individual has consented to disclosure.

(c) *Description of records sought.* Requesters must describe the records sought in sufficient detail to enable NEA personnel to locate them with a reasonable amount of effort. To the extent possible, requesters should include specific information that may help the NEA identify the requested records, such as the date, title or name, author, recipient, subject matter of the record, case number, file designation, or reference number. Before submitting their requests, requesters may contact the NEA's designated FOIA contact or FOIA Public Liaison to discuss the records they seek and to receive assistance in describing the records. Contact information for the NEA's designated FOIA contact and FOIA Public Liaison is available on the NEA's FOIA website (*https://www.arts.gov/freedom-information-act-guide*), or can be obtained by calling (202) 682–5514. If after receiving a request, the NEA determines that it does not reasonably describe the records sought, the NEA will inform the requester what additional information is needed or why the request is otherwise insufficient. Requesters who are attempting to reformulate or modify such a request may discuss their request with the NEA's designated FOIA contact or FOIA Public Liaison. If a request does not reasonably describe the records sought, the NEA's response to the request may be delayed.

(d) *Format Specifications.* Requests may specify the preferred form or format (including electronic formats) for the records you seek. The NEA will accommodate your request if the record is readily reproducible in that form or format.

(e) *Contact Information Requirements.* Requesters must provide contact information, such as their phone number, email address, and/or mailing address, to assist the NEA in communicating with them and providing released records.

§ 1148.4 How will the NEA respond to my request?

(a) *In general.* In determining which records are responsive to a request, the NEA ordinarily will include only records in its possession as of the date that it begins its search. If any other date is used, the NEA will inform the requester of that date. A record that is excluded from the requirements of the FOIA pursuant to 5 U.S.C. 552(c), is not considered responsive to a request.

(b) *Authority to grant or deny requests.* The NEA Chairperson or his/her designee is authorized to grant or to deny any requests for records that are maintained by the NEA.

(c) *Consultation and referral.* When reviewing records located by the NEA in response to a request, the NEA will determine whether another agency of the Federal Government is better able to determine whether the record is exempt from disclosure under the FOIA. As to any such record, the NEA will proceed in one of the following ways:

(1) *Consultation.* When records originated with the NEA, but contain within them information of interest to another agency or other Federal Government office, the NEA will typically consult with that other entity prior to making a release determination.

(2) *Referral.* (i) When the NEA believes that a different agency is best able to determine whether to disclose the record, the NEA typically should refer the responsibility for responding to the request regarding that record to that agency. Ordinarily, the agency that originated the record is presumed to be the best agency to make the disclosure determination. However, if the NEA and the originating agency jointly agree that the NEA is in the best position to respond regarding the record, then the record may be handled as a consultation.

(ii) Whenever the NEA refers any part of the responsibility for responding to a request to another agency, it will document the referral, maintain a copy of the record that it refers, and notify the requester of the referral, informing the requester of the name(s) of the agency to which the record was referred, including that agency's FOIA contact information.

(d) *Timing of responses to consultations and referrals.* The NEA will consider a FOIA request to be a perfected FOIA request if it complies with this section. All consultations and referrals received by the NEA will be handled in the order of the date that the first agency received the perfected FOIA request.

(e) *Agreements regarding consultations and referrals.* The NEA may establish agreements with other agencies to eliminate the need for consultations or referrals with respect to particular types of records.

§ 1148.5 When will the NEA respond to my request?

(a) *In general.* The NEA ordinarily will respond to requests according to their order of receipt.

(b) *Multitrack processing.* The NEA will designate a specific track for requests that are granted expedited processing, in accordance with the standards set forth in paragraph (e) of this section. The NEA may also designate additional processing tracks that distinguish between simple and more complex requests based on the estimated amount of work or time needed to process the request. Among the factors the NEA may consider are the number of records requested, the number of pages involved in processing the request and the need for consultations or referrals. The NEA will advise requesters of the track into which their request falls and, when appropriate, will offer the requesters an opportunity to narrow or modify their request so that it can be placed in a different processing track.

(c) *Unusual circumstances.* Whenever the NEA cannot meet the statutory time limit for processing a request because of ''unusual circumstances,'' as defined in the FOIA, and the NEA extends the time limit on that basis, the NEA will, before expiration of the 20 business day period to respond, notify the requester in writing of the unusual circumstances involved and of the date by which the NEA estimates processing of the request will be completed. Where the extension exceeds 10 working days, the NEA will, as described by the FOIA, provide the requester with an opportunity to modify the request or arrange an alternative time period for processing the original or modified request. The NEA will make available its designated FOIA contact or FOIA Public Liaison for this purpose. The NEA will also alert requesters to the availability of the Office of Government

Information Services (OGIS) to provide dispute resolution services.

(d) *Aggregating requests.* To satisfy unusual circumstances under the FOIA, the NEA may aggregate requests in cases where it reasonably appears that multiple requests, submitted either by a requester or by a group of requesters acting in concert, constitute a single request that would otherwise involve unusual circumstances. The NEA will not aggregate multiple requests that involve unrelated matters.

(e) *Expedited processing.* Consistent with 5 U.S.C. 552 (a)(6)(E)(i), the NEA may grant expedited processing under certain circumstances:

(1) The NEA will process requests and appeals on an expedited basis whenever it is determined that they involve:

(i) Circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(ii) An urgency to inform the public about an actual or alleged Federal Government activity, if made by a person who is primarily engaged in disseminating information.

(2) A request for expedited processing may be made at any time. Requests based on paragraphs (e)(1)(i) and (ii) of this section must be submitted to the NEA Office of General Counsel. When making a request for expedited processing of an administrative appeal, the request should be submitted to the NEA's FOIA Appeals Office per § 1148.8(a).

(3) A requester who seeks expedited processing must submit a statement, certified to be true and correct, explaining in detail the basis for making the request for expedited processing. For example, under paragraph (e)(1)(ii) of this section, a requester who is not a full-time member of the news media must establish that the requester is a person whose primary professional activity or occupation is information dissemination, though it need not be the requester's sole occupation. Such a requester also must establish a particular urgency to inform the public about the government activity involved in the request—one that extends beyond the public's right to know about government activity generally. The existence of numerous articles published on a given subject can be helpful in establishing the requirement that there be an ''urgency to inform'' the public on the topic. As a matter of administrative discretion, the NEA may waive the formal certification requirement.

(4) The NEA will notify the requester within 10 calendar days of the receipt of a request for expedited processing of its decision whether to grant or deny expedited processing. If expedited processing is granted, the request must be given priority, placed in the processing track for expedited requests, and must be processed as soon as practicable. If a request for expedited processing is denied, the NEA will act on any appeal of that decision expeditiously.

§ 1148.6 How will I receive responses to my requests?

(a) *In general.* The NEA, to the extent practicable, will communicate with requesters having access to the internet electronically, such as email or web portal.

(b) *Acknowledgments of requests.* The NEA will acknowledge the request in writing and assign it an individualized tracking number if it will take longer than 10 working days to process. The NEA will include in the acknowledgment a brief description of the records sought to allow requesters to more easily keep track of their requests.

(c) *Estimated dates of completion and interim responses.* Upon request, the NEA will provide an estimated date by which the NEA expects to provide a response to the requester. If a request involves a voluminous amount of material, or searches in multiple locations, the NEA may provide interim responses, releasing the records on a rolling basis.

(d) *Grants of requests.* Once the NEA determines it will grant a request in full or in part, it will notify the requester in writing. The NEA will also inform the requester of any fees charged under § 1148.10 and will disclose the requested records to the requester promptly upon payment of any applicable fees. The NEA will inform the requester of the availability of its FOIA Public Liaison to offer assistance.

(e) *Adverse determinations of requests.* If the NEA makes an adverse determination denying a request in any respect, it will notify the requester of that determination in writing. Adverse determinations, or denials of requests, include decisions that: the requested record is exempt, in whole or in part; the request does not reasonably describe the records sought; the information requested is not a record subject to the FOIA; the requested record does not exist, cannot be located, or has been destroyed; or the requested record is not readily reproducible in the form or format sought by the requester. Adverse determinations also include denials involving fees or fee waiver matters or denials of requests for expedited processing.

(f) *Content of denial.* The denial will be signed by the NEA's General Counsel or designee and will include:

(1) The name and title or position of the person responsible for the denial;

(2) A brief statement of the reasons for the denial, including any FOIA exemption applied by the NEA in denying the request;

(3) An estimate of the volume of any records or information withheld, such as the number of pages or some other reasonable form of estimation, although such an estimate is not required if the volume is otherwise indicated by deletions marked on records that are disclosed in part or if providing an estimate would harm an interest protected by an applicable exemption;

(4) A statement that:

(i) The denial may be appealed under § 1148.8(a),

(ii) That the requester has 90 days to file an appeal in order for it to be considered timely, and that the NEA will not process or consider appeals that were not filed within 90 days of the receipt of an adverse determination;

(iii) A description of the appeal requirements; and

(5) A statement notifying the requester of the assistance available from the NEA's FOIA Public Liaison and the dispute resolution services offered by OGIS.

(g) *Use of record exclusions.* In the event that the NEA identifies records that may be subject to exclusion from the requirements of the FOIA pursuant to 5 U.S.C. 552(c), the NEA will confer with Department of Justice, Office of Information Policy, to obtain approval to apply the exclusion. The NEA, when invoking an exclusion will maintain an administrative record of the process of invocation and approval of the exclusion by OIP.

§ 1148.7 How does the NEA handle confidential commercial information?

The following definitions apply to this section.

(a) (1) *Confidential commercial information* means commercial or financial information obtained by the NEA from a submitter that may be protected from disclosure under Exemption 4 of the FOIA, 5 U.S.C. 552(b)(4).

(2) *Submitter* means any person or entity, including a corporation, State, or foreign government, but not including another Federal Government entity, that provides confidential commercial information, either directly or indirectly to the Federal Government.

(b) *Designation of confidential commercial information.* A submitter of confidential commercial information

must use good faith efforts to designate by appropriate markings, at the time of submission, any portion of its submission that it considers to be protected from disclosure under Exemption 4. These designations expire 10 years after the date of the submission unless the submitter requests and provides justification for a longer designation period.

(c) *When notice to submitters is required.* The following rules and procedures determine when the NEA will provide written notice to submitters of confidential commercial information that their information may be disclosed under FOIA.

(1) The NEA will promptly provide written notice to the submitter of confidential commercial information whenever records containing such information are requested under the FOIA if the NEA determines that it may be required to disclose the records, provided:

(i) The requested information has been designated in good faith by the submitter as information considered protected from disclosure under Exemption 4; or

(ii) The NEA has a reason to believe that the requested information may be protected from disclosure under Exemption 4, but has not yet determined whether the information is protected from disclosure.

(2) The notice will either describe the commercial information requested or include a copy of the requested records or portions of records containing the information. In cases involving a voluminous number of submitters, the NEA may post or publish a notice in a place or manner reasonably likely to inform the submitters of the proposed disclosure, instead of sending individual notifications.

(d) *Exceptions to submitter notice requirements.* The notice requirements of this section do not apply if:

(1) The NEA determines that the information is exempt under the FOIA, and therefore will not be disclosed;

(2) The information has been lawfully published or has been officially made available to the public;

(3) Disclosure of the information is required by a statute other than the FOIA or by a regulation issued in accordance with the requirements of Executive Order 12,600 of June 23, 1987; or

(4) The designation made by the submitter under paragraph (b) of this section appears obviously frivolous. In such case, the NEA will give the submitter written notice of any final decision to disclose the information within a reasonable number of days prior to a specified disclosure date.

(e) *Opportunity to object to disclosure.* A submitter will have the opportunity to object to disclosure of information under FOIA.

(1) The NEA will specify a reasonable time period within which the submitter must respond to the notice referenced in paragraph (c) of this section.

(2) If a submitter has any objections to disclosure, it must provide the NEA a detailed written statement that specifies all grounds for withholding the particular information under any exemption of the FOIA. In order to rely on Exemption 4 as basis for nondisclosure, the submitter must explain why the information constitutes a trade secret or commercial or financial information that is confidential.

(3) A submitter who fails to respond within the time period specified in paragraph (e)(1) of this section will be considered to have no objection to disclosure of the information. The NEA is not required to consider any information received after the date of any disclosure decision. Any information provided by a submitter under this subpart may itself be subject to disclosure under the FOIA.

(f) *Analysis of objections.* The NEA must consider a submitter's objections and specific grounds for nondisclosure in deciding whether to disclose the requested information.

(g) *Notice of intent to disclose.* Whenever the NEA decides to disclose information over the objection of a submitter, the NEA will provide the submitter written notice, which will include:

(1) A statement of the reasons why each of the submitter's disclosure objections was not sustained;

(2) A description of the information to be disclosed or copies of the records as the NEA intends to release them; and

(3) A specified disclosure date, which will be a reasonable time after the notice.

(h) *Notice of FOIA lawsuit.* Whenever a requester files a lawsuit seeking to compel the disclosure of confidential commercial information, the NEA will promptly notify the submitter.

(i) *Requester notification.* The NEA will notify the requester whenever it provides the submitter with notice and an opportunity to object to disclosure; whenever it notifies the submitter of its intent to disclose the requested information; and whenever a submitter files a lawsuit to prevent the disclosure of the information.

§ 1148.8 How can I appeal a denial of my request?

(a) *Requirements for making an appeal.* A requester may appeal any adverse determinations to the NEA's office designated to receive FOIA appeals (''FOIA Appeals Office''). Examples of adverse determinations are provided in § 1148.6(e). Requesters can submit appeals by mail by writing to NEA Chairman, c/o Office of General Counsel, National Endowment for the Arts, 400 7th Street SW, Washington, DC 20506, or online in accordance with instructions on the NEA's website (*https://www.arts.gov/freedom-information-act-guide*). The requester must make the appeal in writing and to be considered timely it must be postmarked, or in the case of electronic submissions, transmitted, within 90 calendar days after the date of the adverse determination. The appeal should clearly identify the NEA's determination that is being appealed and the assigned request number. To facilitate handling, the requester should mark both the appeal letter and envelope, or subject line of the electronic transmission, ''Freedom of Information Act Appeal.''

(b) *Adjudication of appeals.* (1) The NEA Chairperson or his/her designee will act on behalf of the NEA's Chief FOIA Officer on all appeals under this section.

(2) An appeal ordinarily will not be adjudicated if the request becomes a matter of FOIA litigation.

(c) *Decisions on appeals.* The NEA will provide its decision on an appeal in writing. A decision that upholds the NEA's determination in whole or in part will contain a statement that identifies the reasons for its decision, including any FOIA exemptions applied. The decision will provide the requester with notification of the statutory right to file a lawsuit and will inform the requester of the dispute resolution services offered by the Office of Government Information Services (OGIS) of the National Archives and Records Administration as a non-exclusive alternative to litigation. If the NEA's decision is remanded or modified on appeal, the NEA will notify the requester of that determination in writing. The NEA will then further process the request in accordance with that appeal determination and will respond directly to the requester.

(d) *Engaging in dispute resolution services provided by OGIS.* Dispute resolution is a voluntary process. If the NEA agrees to participate in the dispute resolution services provided by OGIS, it will actively engage as a partner to the

process in an attempt to resolve the dispute.

(e) *When appeal is required.* Before seeking review by a court of the NEA's adverse determination, a requester generally must first submit a timely administrative appeal.

(f) *Timing of appeal.* After receiving the NEA's adverse determination, a requester has 90 calendar days to file an appeal in order for it to be considered timely. The NEA will not process or consider appeals that were not filed within 90 calendar days of the date of an adverse determination.

§ 1148.9 What are the NEA's policies regarding preservation of records?

The NEA will preserve all correspondence pertaining to the requests that it receives under this part, as well as copies of all requested records, until disposition or destruction is authorized pursuant to title 44 of the United States Code or the General Records Schedule 4.2 of the National Archives and Records Administration. The NEA will not dispose of or destroy records while they are the subject of a pending request, appeal, or lawsuit under the FOIA.

§ 1148.10 How will fees be charged?

(a) *In general.* (1) The NEA will charge for processing requests under the FOIA in accordance with the provisions of this section and with the OMB Guidelines. For purposes of assessing fees, the FOIA establishes three categories of requesters:

(i) Commercial use requesters;

(ii) Non-commercial scientific or educational institutions or news media requesters; and

(ii) All other requesters.

(2) Different fees are assessed depending on the category. Requesters may seek a fee waiver. The NEA will consider requests for fee waiver in accordance with the requirements in paragraph (k) of this section. To resolve any fee issues that arise under this section, the NEA may contact a requester for additional information. The NEA will ensure that searches, review, and duplication are conducted in the most efficient and the least expensive manner. The NEA ordinarily will collect all applicable fees before sending copies of records to a requester. Requesters must pay fees by check or money order made payable to the Treasury of the United States, or by another method as determined by the NEA.

(b) *Definitions.* For purposes of this section:

(1) *Commercial use request* is a request that asks for information for a use or a purpose that furthers a commercial, trade, or profit interest, which can include furthering those interests through litigation. The NEA's decision to place a requester in the commercial use category will be made on a case-by-case basis based on the requester's intended use of the information. The NEA will notify requesters of their placement in this category.

(2) *Direct costs* are those expenses that the NEA incurs in searching for and duplicating (and, in the case of commercial use requests, reviewing) records in order to respond to a FOIA request. For example, direct costs include the salary of the employee performing the work (*i.e.,* the basic rate of pay for the employee, plus 16 percent of that rate to cover benefits) and the cost of operating computers and other electronic equipment, such as photocopiers and scanners. Direct costs do not include overhead expenses such as the costs of space, and of heating or lighting a facility.

(3) *Duplication* is reproducing a copy of a record, or of the information contained in it, necessary to respond to a FOIA request. Copies can take the form of paper, audiovisual materials, or electronic records, among others.

(4) *Educational institution* is any school that operates a program of scholarly research. A requester in this fee category must show that the request is made in connection with his or her role at the educational institution. The NEA may seek verification from the requester that the request is in furtherance of scholarly research and the NEA will advise requesters of their placement in this category.

Example 1 to § 1148.10(b)(4). A request from a professor of architecture at a university for records relating to NEA grants related to architecture, written on letterhead of the Department of Geology, would be presumed to be from an educational institution.

Example 2 to § 1148.10(b)(4). A request from the same professor of architecture seeking translation grant information from the NEA in furtherance of a murder mystery he is writing would not be presumed to be an institutional request, regardless of whether it was written on institutional stationery.

Example 3 to § 1148.10(b)(4). A student who makes a request in furtherance of their coursework or other school-sponsored activities and provides a copy of a course syllabus or other reasonable documentation to indicate the research purpose for the request, would qualify as part of this fee category.

(5) *Noncommercial scientific institution* is an institution that is not operated on a ''commercial'' basis, as defined in paragraph (b)(1) of this section and that is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry. A requester in this category must show that the request is authorized by and is made under the auspices of a qualifying institution and that the records are sought to further scientific research and are not for a commercial use. The NEA will advise requesters of their placement in this category.

(6) *Representative of the news media* is any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. The term ''news'' means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations that broadcast ''news'' to the public at large and publishers of periodicals that disseminate ''news'' and make their products available through a variety of means to the general public, including news organizations that disseminate solely on the internet. A request for records supporting the news-dissemination function of the requester will not be considered to be for a commercial use. ''Freelance'' journalists who demonstrate a solid basis for expecting publication through a news media entity will be considered as a representative of the news media. A publishing contract would provide the clearest evidence that publication is expected; however, the NEA may also consider a requester's past publication record in making this determination. The NEA will advise requesters of their placement in this category.

(7) *Review* is the examination of a record located in response to a request in order to determine whether any portion of it is exempt from disclosure. Review time includes processing any record for disclosure, such as doing all that is necessary to prepare the record for disclosure, including the process of redacting the record and marking the appropriate exemptions. Review costs are properly charged even if a record ultimately is not disclosed. Review time also includes time spent both obtaining and considering any formal objection to disclosure made by a confidential commercial information submitter under § 1148.7, but it does not include time spent resolving general legal or

policy issues regarding the application of exemptions.

(8) *Search* is the process of looking for and retrieving records or information responsive to a request. Search time includes page-by-page or line-by-line identification of information within records and the reasonable efforts expended to locate and retrieve information from electronic records.

(c) *Charging fees.* In responding to FOIA requests, the NEA will charge the following fees unless a waiver or reduction of fees has been granted under paragraph (k) of this section. Because the fee amounts provided in paragraphs (c)(1) through (3) of this section already account for the direct costs associated with a given fee type, the NEA will not add any additional costs to charges calculated under this section.

(1) *Searches.* The following fee policies apply to searches:

(i) Requests made by educational institutions, noncommercial scientific institutions, or representatives of the news media are not subject to search fees. The NEA will charge search fees for all other requesters, subject to the restrictions of paragraph (d) of this section. The NEA may properly charge for time spent searching even if the NEA does not locate any responsive records or if the NEA determines that the records are entirely exempt from disclosure.

(ii) For manual searches, the fee charged will be the salary rate or rates of the employee or employees conducting the search. For computer searches, the fee charged will be the actual direct cost of providing the service, including the salary rate or rates of the operator(s) or programmer(s) conducting the search. The salary rate is calculated as the particular employee's basic pay plus 16.1 percent. The NEA may charge fees even if the documents are determined to be exempt from disclosure or cannot be located.

(iii) The NEA will charge the direct costs associated with conducting any search that requires the creation of a new computer program to locate the requested records. The NEA will notify the requester of the costs associated with creating such a program, and the requester must agree to pay the associated costs before the costs may be incurred.

(iv) For requests that require the retrieval of records stored by the NEA at a Federal records center operated by the National Archives and Records Administration (NARA), the NEA will charge additional costs in accordance with the Transactional Billing Rate Schedule established by NARA.

(2) *Duplication.* The NEA will charge duplication fees to all requesters, subject to the restrictions of paragraph (d) of this section. The NEA will honor a requester's preference for receiving a record in a particular form or format where the NEA can readily reproduce it in the form or format requested. Where photocopies are supplied, the NEA will provide one copy per request at the cost of $.10 per single sided page, and $.20 per double sided page. For copies of records produced on tapes, disks, or other media, the NEA will charge the direct costs of producing the copy, including operator time. Where paper documents must be scanned in order to comply with a requester's preference to receive the records in an electronic format, the requester must also pay the direct costs associated with scanning those materials. For other forms of duplication, the NEA will charge the direct costs.

(3) *Review.* The NEA will charge review fees to requesters who make commercial use requests. Review fees will be assessed in connection with the initial review of the record, *i.e.,* the review conducted by the NEA to determine whether an exemption applies to a particular record or portion of a record. No charge will be made for review at the administrative appeal stage of exemptions applied at the initial review stage. However, if a particular exemption is deemed to no longer apply, any costs associated with the NEA's re-review of the records in order to consider the use of other exemptions may be assessed as review fees. Review fees will be charged at the same rates as those charged for a search under paragraph (c)(1)(ii) of this section.

(d) *Restrictions on charging fees.* The NEA will adhere to the following restrictions regarding fees it charges:

(1) When the NEA determines that a requester is an educational institution, non-commercial scientific institution, or representative of the news media, and the records are not sought for commercial use, it will not charge search fees.

(2) If the NEA fails to comply with the FOIA's time limits in which to respond to a request, it will not charge search fees, or, in the instances of requests from requesters described in paragraph (d)(1) of this section, may not charge duplication fees, except as described in paragraphs (d)(3) through (5) of this section.

(3) If the NEA has determined that unusual circumstances as defined by the FOIA apply and the NEA provided timely written notice to the requester in accordance with the FOIA, a failure to comply with the time limit shall be excused for an additional 10 working days.

(4) If the NEA has determined that unusual circumstances, as defined by the FOIA, apply and more than 5,000 pages are necessary to respond to the request, the NEA may charge search fees, or, in the case of requesters described in paragraph (d)(1) of this section, may charge duplication fees, if the following steps are taken:

(i) The NEA provided timely written notice of unusual circumstances to the requester in accordance with the FOIA; and

(ii) The NEA discussed with the requester via written mail, email, or telephone (or made not less than three good-faith attempts to do so) how the requester could effectively limit the scope of the request in accordance with 5. U.S.C. 552(a)(6)(B)(ii). If this exception is satisfied, the NEA may charge all applicable fees incurred in the processing of the request.

(5) If a court has determined that exceptional circumstances exist, as defined by the FOIA, a failure to comply with the time limits shall be excused for the length of time provided by the court order.

(6) No search or review fees will be charged for a quarter-hour period unless more than half of that period is required for search or review.

(7) Except for requesters seeking records for a commercial use, the NEA will provide without charge:

(i) The first 100 pages of duplication (or the cost equivalent for other media); and

(ii) The first two hours of search.

(8) No fee will be charged when the total fee, after deducting the 100 free pages (or its cost equivalent) and the first two hours of search, is equal to or less than $25.

(e) *Notice of anticipated fees in excess of $25.00.* The following procedures apply when the NEA anticipates fees to be in excess of $25.00.

(1) When the NEA determines or estimates that the fees to be assessed in accordance with this section will exceed $25.00, the NEA will notify the requester of the actual or estimated amount of the fees, including a breakdown of the fees for search, review or duplication, unless the requester has indicated a willingness to pay fees as high as those anticipated. If only a portion of the fee can be estimated readily, the NEA will advise the requester accordingly. If the request is not for noncommercial use, the notice will specify that the requester is entitled to the statutory entitlements of 100 pages of duplication at no charge and, if the requester is charged search fees,

two hours of search time at no charge, and will advise the requester whether those entitlements have been provided.

(2) If the NEA notifies the requester that the actual or estimated fees are in excess of $25.00, the request will not be considered received and further work will not be completed until the requester commits in writing to pay the actual or estimated total fee, or designates some amount of fees the requester is willing to pay, or in the case of a noncommercial use requester who has not yet been provided with the requester's statutory entitlements, designates that the requester seeks only that which can be provided by the statutory entitlements. The requester must provide the commitment or designation in writing, and must, when applicable, designate an exact dollar amount the requester is willing to pay. The NEA is not required to accept payments in installments.

(3) If the requester has indicated a willingness to pay some designated amount of fees, but the NEA estimates that the total fee will exceed that amount, the NEA will toll the processing of the request when it notifies the requester of the estimated fees in excess of the amount the requester has indicated a willingness to pay. The NEA will inquire whether the requester wishes to revise the amount of fees the requester is willing to pay or modify the request. Once the requester responds, the time to respond will resume from where it was at the date of the notification.

(4) The NEA will make available its FOIA Public Liaison or other designated FOIA contact to assist any requester in reformulating a request to meet the requester's needs at a lower cost.

(f) *Charges for other services.* Although not required to provide special services, if the NEA chooses to do so as a matter of administrative discretion, the direct costs of providing the service will be charged. Examples of such services include certifying that records are true copies, providing multiple copies of the same document, or sending records by means other than first class mail.

(g) *Charging interest.* The NEA may charge interest on any unpaid bill starting on the 31st day following the date of billing the requester. Interest charges will be assessed at the rate provided in 31 U.S.C. 3717 and will accrue from the billing date until payment is received by the NEA. The NEA will follow the provisions of the Debt Collection Act of 1982 (Pub. L. 97–365, 96 Stat. 1749), as amended, and its administrative procedures, including the use of consumer reporting agencies, collection agencies, and offset.

(h) *Aggregating requests.* When the NEA reasonably believes that a requester or a group of requesters acting in concert is attempting to divide a single request into a series of requests for the purpose of avoiding fees, the NEA may aggregate those requests and charge accordingly. The NEA may presume that multiple requests of this type made within a 30 calendar day period have been made in order to avoid fees. For requests separated by a longer period, the NEA will aggregate them only where there is a reasonable basis for determining that aggregation is warranted in view of all the circumstances involved. Multiple requests involving unrelated matters cannot be aggregated.

(i) *Advance payments.* The following policies and procedures apply to advanced payments of fees:

(1) For requests other than those described in paragraph (i)(2) or (3) of this section, the NEA will not require the requester to make an advance payment before work is commenced or continued on a request. Payment owed for work already completed (*i.e.,* payment before copies are sent to a requester) is not an advance payment.

(2) When the NEA determines or estimates that a total fee to be charged under this section will exceed $250.00, it may require that the requester make an advance payment up to the amount of the entire anticipated fee before beginning to process the request. The NEA may elect to process the request prior to collecting fees when it receives a satisfactory assurance of full payment from a requester with a history of prompt payment.

(3) Where a requester has previously failed to pay a properly charged FOIA fee to any agency within 30 calendar days of the billing date, the NEA may require that the requester pay the full amount due, plus any applicable interest on that prior request, and the NEA may require that the requester make an advance payment of the full amount of any anticipated fee before the NEA begins to process a new request or continues to process a pending request or any pending appeal. Where the NEA has a reasonable basis to believe that a requester has misrepresented the requester's identity in order to avoid paying outstanding fees, it may require that the requester provide proof of identity.

(4) In cases in which the NEA requires advance payment, the request will not be considered received and further work will not be completed until the required payment is received. If the requester does not pay the advance payment within 30 calendar days after the date of the NEA's fee determination, the request will be closed.

(j) *Other statutes specifically providing for fees.* The fee schedule of this section does not apply to fees charged under any statute that specifically requires the NEA to set and collect fees for particular types of records. In instances where records responsive to a request are subject to a statutorily-based fee schedule program, the NEA will inform the requester of the contact information for that program.

(k) *Requirements for waiver or reduction of fees.* The following policies and procedures apply to fee waivers or reductions of fees.

(1) Requesters may seek a waiver of fees by submitting a written application demonstrating how disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

(2) The NEA will furnish records responsive to a request without charge or at a reduced rate when it determines, based on all available information, that the factors described in paragraphs (k)(2)(i) through (iii) of this section are satisfied:

(i) Disclosure of the requested information would shed light on the operations or activities of the government. The subject of the request must concern identifiable operations or activities of the Federal Government with a connection that is direct and clear, not remote or attenuated.

(ii) Disclosure of the requested information is likely to contribute significantly to public understanding of those operations or activities. This factor is satisfied when the following criteria are met:

(A) Disclosure of the requested records must be meaningfully informative about government operations or activities. The disclosure of information that already is in the public domain, in either the same or a substantially identical form, would not be meaningfully informative if nothing new would be added to the public's understanding.

(B) The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester. A requester's expertise in the subject area as well as the requester's ability and intention to effectively convey information to the public must be considered. The NEA will presume that

a representative of the news media will satisfy this consideration.

(iii) The disclosure must not be primarily in the commercial interest of the requester. To determine whether disclosure of the requested information is primarily in the commercial interest of the requester, the NEA will consider the following criteria:

(A) The NEA will identify whether the requester has any commercial interest that would be furthered by the requested disclosure. A commercial interest includes any commercial, trade, or profit interest. Requesters will be given an opportunity to provide explanatory information regarding this consideration.

(B) If there is an identified commercial interest, the NEA will determine whether that is the primary interest furthered by the request. A waiver or reduction of fees is justified when the requirements of paragraphs (k)(2)(i) and (ii) of this section are satisfied and any commercial interest is not the primary interest furthered by the request. The NEA ordinarily will presume that when a news media requester has satisfied the factors in paragraphs (k)(2)(i) and (ii) of this section, the request is not primarily in the commercial interest of the requester. Disclosure to data brokers or others who merely compile and market government information for direct economic return will not be presumed to primarily serve the public interest.

(3) Where only some of the records to be released satisfy the requirements for a waiver of fees, a waiver will be granted for those records.

(4) Requests for a waiver or reduction of fees should be made when the request is first submitted to the NEA and should address the criteria referenced in paragraphs (k)(1) through (3) of this section. A requester may submit a fee waiver request at a later time so long as the underlying record request is pending or on administrative appeal. When a requester who has committed to pay fees subsequently asks for a waiver of those fees and that waiver is denied, the requester must pay any costs incurred up to the date the fee waiver request was received.

§ 1148.11 What other rules apply to NEA FOIA requests?

Nothing in this part shall be construed to entitle any person, as of right, to any service or to the disclosure of any record to which such person is not entitled under the FOIA.

Dated: October 23, 2018.

Gregory Gendron,

Director of Administrative Services, National Endowment for the Arts.

[FR Doc. 2018–23481 Filed 11–5–18; 8:45 am]

BILLING CODE 4537–01–P

Notices

Federal Register
Vol. 83, No. 215
Tuesday, November 6, 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

Advisory Committee on Minority Farmers Request for Nominations

AGENCY: Office of Partnerships and Public Engagement, USDA.

ACTION: Extension of time for submitting nominations.

SUMMARY: We are giving notice that U.S. Department of Agriculture (USDA) will extend the time to submit nominations and applications to serve on the Advisory Committee on Minority Farmers (the ''Committee''). This will give interested persons additional time to prepare and submit applications and nomination packages which can be downloaded at the corrected link below: *https://www.ocio.usda.gov/document/ad-755.*

DATES: Consideration will be given to nominations received on or before November 15, 2018.

ADDRESSES: Nomination packages may be sent by postal mail or commercial delivery to: Mrs. Kenya Nicholas, Designated Federal Official, USDA OPPE, 1400 Independence Avenue SW, Room 520–A, Washington, DC 20250–0601. Nomination packages may also be faxed to (202) 720–7704.

FOR FURTHER INFORMATION CONTACT: Mrs. Kenya Nicholas, Designated Federal Official, USDA OPPE, 1400 Independence Avenue SW., Room 520–A, Washington, DC 20250–0601; Telephone (202) 720–6350; Fax (202) 720–7704; Email: *kenya.nicholas@osec.usda.gov.*

SUPPLEMENTARY INFORMATION: On October 17, 2018, we published in the **Federal Register** (FR DOC# 2018–22149, Page 52377) a Notice of Solicitation for Applications. Applications were required to be received on or before November 1, 2018. We are extending the submission period to November 15, 2018.

We are soliciting nominations from interested organizations and individuals from among ranching and farming producers (industry), related government, civil rights, State, and Tribal agricultural agencies, academic institutions, commercial banking entities, trade associations, and related nonprofit enterprises. An organization may nominate individuals from within or outside its membership; alternatively, an individual may nominate herself or himself. Nomination packages should include a nomination form along with a cover letter or resume that documents the nominee's background and experience. Nomination forms are available on the internet at *https://www.ocio.usda.gov/document/ad-755* or may be obtained from Mrs. Kenya Nicholas at the email address or telephone number noted above.

The Secretary will fill up to 15 vacancies from among those organizations and individuals solicited in order to obtain the broadest possible representation on the Committee. Equal opportunity practices, in line with the USDA policies, will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by the Department, membership should include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

Signed in Washington, DC, this 25th day of October 2018.

Christian Obineme,

Associate Director, Office of Partnerships and Public Engagement.

[FR Doc. 2018–24208 Filed 11–5–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Office of Partnerships and Public Engagement; Advisory Committee on Beginning Farmers and Ranchers Request for Nominations

AGENCY: Office of Partnerships and Public Engagement, USDA.

ACTION: Extension of time for submitting nominations.

SUMMARY: We are giving notice that U.S. Department of Agriculture (USDA) will extend the time to submit nominations and applications to serve on the Advisory Committee on Beginning Farmers and Ranchers (the ''Committee''). This will give interested persons additional time to prepare and submit applications and nomination packages which can be downloaded at the corrected link below: *https://www.ocio.usda.gov/document/ad-755.*

DATES: Consideration will be given to nominations received on or before November 15, 2018.

FOR FURTHER INFORMATION CONTACT: Mrs. Kenya Nicholas, Designated Federal Official, USDA OPPE, 1400 Independence Avenue SW, Room 520–A, Washington, DC 20250–0601; Telephone (202) 720–6350; Fax (202) 720–7704; Email: *kenya.nicholas@osec.usda.gov.*

ADDRESSES: Nomination packages may be sent by postal mail or commercial delivery to: Mrs. Kenya Nicholas, Designated Federal Official, USDA OPPE, 1400 Independence Avenue SW, Room 520–A, Washington, DC 20250–0601. Nomination packages may also be faxed to (202) 720–7704.

SUPPLEMENTARY INFORMATION: On October 17, 2018, we published in the **Federal Register** (FR DOC# 2018–22146, Page 52376) a Notice of Solicitation for Applications. Applications were required to be received on or before November 1, 2018. We are extending the submission period to November 15, 2018.

We are soliciting nominations from interested organizations and individuals from among ranching and farming producers (industry), related government, State, and Tribal agricultural agencies, academic institutions, commercial banking entities, trade associations, and related nonprofit enterprises. An organization may nominate individuals from within or outside its membership; alternatively, an individual may nominate herself or himself. Nomination packages should include a nomination form along with a cover letter or resume that documents the nominee's background and experience. Nomination forms are available on the internet at *https://www.ocio.usda.gov/document/ad-755* or may be obtained from Mrs. Kenya Nicholas at the email address or telephone number noted above.

The Secretary will fill up to 20 vacancies from among those organizations and individuals solicited

in order to obtain the broadest possible representation on the Committee. Equal opportunity practices, in line with the USDA policies, will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by the Department, membership should include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

Signed in Washington, DC, this 25th day of October 2018.

Christian Obineme,

Associate Director, Office of Partnerships and Public Engagement.

[FR Doc. 2018–24205 Filed 11–5–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2018–0047]

National Advisory Committee on Meat and Poultry Inspection; Committee Renewal

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of the renewal for the U.S. Department of Agriculture National Advisory Committee on Meat and Poultry Inspection.

SUMMARY: The U.S. Department of Agriculture (USDA) intends to renew the National Advisory Committee on Meat and Poultry Inspection (NACMPI). The purpose of the Committee is to provide advice to the Secretary of Agriculture concerning State and Federal programs with respect to meat and poultry inspection, food safety, and other matters that fall within the scope of the Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA).

FOR FURTHER INFORMATION CONTACT: Valeria Green, Program Manager, Office of Policy and Program Development, Food Safety and Inspection Service, U.S. Department of Agriculture, Telephone: (301) 504–0846, Email: *valeria.green@fsis.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

In accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App.), notice is hereby given that the Secretary of Agriculture intends to renew the National Advisory Committee on Meat and Poultry Inspection for two years. The Committee provides advice and recommendations to the Secretary on meat and poultry inspection programs, pursuant to sections 7(c), 24, 301(a)(3), and 301(c) of the Federal Meat Inspection Act, 21 U.S.C. 607(c), 624, 645, 661(a)(3), and 661(c), and to sections 5(a)(3), 5(c), 8(b), and 11(e) of the poultry Products Inspection Act, 21 U.S.C. 454(a)(3), 454(c), 457(b), and 460(e).

A copy of the current charter and other information about the committee can be found at *http://www.fsis.usda.gov/wps/portal/fsis/topics/regulations/advisory-committees/nacmpi.*

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication online through the FSIS web page located at: *http://www.fsis.usda.gov/federal-register.*

FSIS also will make copies of this publication available through the FSIS *Constituent Update,* which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS web page. Through the web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

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No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination, any person in the United States under any program or activity conducted by the USDA.

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.

Paul Kiecker,

Acting Administrator.

[FR Doc. 2018–24217 Filed 11–5–18; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Equal Opportunity Compliance Review Record

AGENCY: Forest Service, USDA.

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the information collection, Equal Opportunity Compliance Review Record.

DATES: Comments must be received in writing on or before January 7, 2019 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to Civil Rights, Mail Stop 1142, USDA, Forest Service, 1400 Independence Avenue SW, Washington, DC 20250–1142.

Comments also may be submitted via eFax mailbox to 703–605–5174 or by email to: *rragos@fs.fed.us.*

The public may inspect comments received at USDA, Forest Service, Civil Rights, 201 14th St. SW, Room 2S, Washington, DC 20024 during normal business hours. Visitors are encouraged to call ahead to 202–205–8534 to facilitate entry to the building.

FOR FURTHER INFORMATION CONTACT: Robert Ragos, Civil Rights, 202–205–0961 or *rragos@fs.fed.us.* Individuals who uses telecommunication devices for the deaf (TDD) may call 711 or the Federal Relay Service (FRS) at 1–800–877–8339, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: Equal Opportunity Compliance Review Record.

OMB Number: 0596–0215 renewal.

Expiration Date of Approval: 11/30/2018

Type of Request: Extension with Revision.

Abstract: All Federal agencies must comply with equal opportunity laws:

- Title VI of the Civil Rights Act of 1964, as amended.
- Title IX of the Education Amendments Act of 1972.
- The Age Discrimination Act of 1975, as amended.
- Section 504 of the Rehabilitation Act of 1973, as amended.
- Executive orders prohibiting discrimination in the delivery of all programs and services to the public.

Federal agencies and entities receiving Federal financial assistance are prohibited from discriminating. Federal financial assistance is defined as, ''Federal monies given by grants, cooperative agreements, commercial special use permits, training, loan/temporary assignment of Federal personnel, or loan/use of Federal property at below market value.''

The equal opportunity laws require agencies to conduct compliance reviews to ensure that entities receiving Federal Financial Assistance from the government are adhering to the nondiscrimination statutes. The statutes require that prior to awarding support or issuing permits, the Federal government shall conduct pre-award reviews to ensure that potential recipients understand their responsibilities to provide services equitable pursuant to the law. Thereafter, during the partnership with the agency, ongoing monitoring will take place to ensure the public is being served without any barriers or discrimination.

Forest Service employees will use form FS–1700–6, Equal Opportunity Compliance Review Record, to document demographics (race, ethnicity, and gender) and collect information regarding actions taken by recipients of Federal financial assistance to ensure the public receives services without discrimination or barriers to access, and that recipients' employees understand their customer service role. Collection will occur during face-to-face meetings or telephone interviews conducted by Forest Service employees as part of the pre-award and post award process. The pre-award interview will take place prior to the award of a grant, signing of a cooperative agreement, letting of commercial special use permit, or similar activity. The post award interview will take place once every 5 years, or upon report/discovery of discrimination.

The information collected will only be shared with other Federal agencies who share in the financial assistance activities with the Forest Service. Monitoring reviews have been a responsibility of the Federal government since 1964. Without the ability to monitor recipients of Federal financial assistance, the Forest Service would not be able to ensure compliance with laws and statutes. The Agency would not be aware of potential violations, thereby resulting in potential discriminatory practices.

Estimate of Annual Burden: 1 hour.

Type of Respondents: Recipients of Federal financial assistance.

Estimated Annual Number of Respondents: 11,000.

Estimated Annual Number of Responses per Respondent*:* One.

Estimated Total Annual Burden on Respondents*:* 11,000.

Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the Agency, including whether the information will have practical or scientific utility; (2) the accuracy of the Agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the request for Office of Management and Budget approval.

Dated: October 24, 2018.

Lenise Largo.

Acting Associate Chief, Forest Service.

[FR Doc. 2018–24249 Filed 11–5–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

Agency: U.S. Census Bureau.

Title: Data Collection Form for Reporting on Audits of States, Local Governments, Indian Tribes, Institutions of Higher Education, and Non-Profit Organizations.

OMB Control Number: 0607–0518.

Form Number(s): SF–SAC.

Type of Request: Reinstatement with changes.

Number of Respondents: 80,000 (40,000 auditees and 40,000 auditors).

Average Hours per Response: 100 hours for large auditees (approx. 400 respondents) and 21 hours for all other auditees (approx. 79,600 respondents). These amounts reflect estimates of reporting burden on both auditees and auditors individually, meaning 100 or 21 hours for auditees and 100 or 21 hours for auditors. Auditees and auditors submit a combined response, making the total number of annual submissions 40,000.

Burden Hours: 1,711,600 total hours annually. (A slight refinement of the estimate increased the annual burden hours by less than 1% from the estimate of 1,699,600 hours, which was published in the presubmission notice on April 3, 2018.)

Needs and Uses: Non-Federal entities (states, local governments, Indian tribes, institutions of higher education, and nonprofit organizations) are required by the Single Audit Act Amendments of 1996 (31 U.S.C. 7501, *et seq.*) (Act) and 2 CFR part 200, ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,'' (Uniform Guidance) to have audits conducted of their Federal awards and file the resulting reporting packages (Single Audit reports) and data collection forms (Form SF–SAC) with the Federal Audit Clearinghouse (FAC). The Form SF–SAC is Appendix X to 2 CFR part 200. The Office of Management and Budget (OMB) has designated the Census Bureau as the FAC to serve as the government-wide repository of record for Single Audit reports.

The Single Audit process is a primary method Federal agencies and pass-through entities use to provide oversight for Federal awards and reduce risk of non-compliance and improper

payments. This includes following up on audit findings and questioned costs. The proposed changes are to revise some existing data elements and add data elements that would make the reports easier for Federal agencies, pass-through entities, and the public to use.

This is a reinstatement, with changes, of Form SF–SAC, OMB control number 0607–0518. Prior to the year 1997, the Census Bureau was responsible for the OMB clearance approval process using OMB control number 0607–0518. In 1997, OMB took over the approval process for the Form SF–SAC under OMB control number 0348–0057 (currently expiring June 30, 2019). The Census Bureau is now resuming responsibility for obtaining OMB clearance under the original OMB control number 0607–0518. The FAC will continue to collect Single Audit reports from prior audit years, going back to audit year 2013, to accommodate late submissions and revisions. Late submissions or revisions from prior years are to use the version of the Form SF–SAC applicable to that audit year. The FAC also plans to allow Non-Federal entities who did not meet the threshold requiring submission of a Single Audit report to voluntarily notify the FAC that they did not meet the reporting threshold. The FAC plans to put this information on their website.

The proposed changes are to include the following required elements of the reporting package on the data collection form: The text of the federal award audit findings, the text of the corrective action plan, and the notes to the schedule of expenditures of federal awards (SEFA). There will be a checkbox for each finding text and corrective action plan (CAP) text entered asking the user if there are any charts or tables that could not be copied or pasted to analyze how often this occurs. Additionally, a new yes/no question has been added regarding whether the auditors communicated to the auditee, in a written document, any issues that were not audit findings. The inclusion of these items is to aid Federal agencies and pass-through entities in their review of their recipients/subrecipients. This will reduce their burden of manually searching the reporting package for this information. With these items now included on the form, the information can be viewed during the initial review of auditees instead of needing to access and search all reporting packages of all recipients/subrecipients. In the future, the FAC would like to develop a system-generated exportable Schedule of Findings and Questioned Costs using these items, similar to the system-generated SEFA and Notes to the SEFA, which will reduce burden for auditees and auditors.

Two additional items not mentioned in the pre-submission notice will be collected in the Web-based collection instrument, the Internet Data Entry System (IDES). These items will collect the date the auditor's report(s) were received by the auditee and what items were modified when a revision has been conducted. The date the auditor's report(s) was received was not included in the pre-submission notice as logistics were still being discussed about what instructions should accompany this field. This is the date the auditee received the full, complete report from the auditor. This inclusion is to help with the determination of whether the Form SF–SAC and Single Audit report were submitted on time. Collecting this date will allow for tracking of the 30-day deadline, as the FAC already collects the fiscal period ending date to track the nine-month deadline. The list of what items were modified when a revision has been conducted was not included in the pre-submission notice as it was not suggested to the FAC until a meeting with stakeholders that occurred after the pre-submission notice was submitted. Users will select which items changed from the previously submitted version using a preset list of options. Users will be able to check multiple options. This information will be publicly displayed on the FAC website.

The proposed revisions to the Form SF–SAC can be obtained by download from the FAC homepage at *https://harvester.census.gov/facweb* or by contacting the Federal Audit Clearinghouse at *erd.fac@census.gov* or 800–253–0696.

Affected Public: States, local governments, Indian tribes, institutions of higher education, non-profit organizations (Non-Federal entities) and their auditors.

Frequency: Annually.

Respondent's Obligation: Mandatory.

Legal Authority: Title 31 U.S.C. Section 7501 *et seq.* and 2 CFR part 200.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *Federal_Audit_Clearinghouse_Comments@OMB.eop.gov* or fax to (202) 395–5806. You may also submit comments, identified by Docket Number OMB–2018–0007, to the Federal e-Rulemaking Portal: *http://www.regulations.gov.* All comments received are part of the public record. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer.

[FR Doc. 2018–24229 Filed 11–5–18; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–884]

Certain Hot-Rolled Steel Flat Products From the Republic of Korea: Preliminary Results of Countervailing Duty Administrative Review, 2016

AGENCY: Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that Hyundai Steel Co., Ltd. (Hyundai Steel), a producer/exporter of certain hot-rolled steel flat products (hot-rolled steel) from the Republic of Korea (Korea), and POSCO, a producer/exporter of hot-rolled steel from Korea, received countervailable subsidies during the period of review (POR), August 12, 2016, through December 31, 2016. We invite interested parties to comment on these preliminary results.

DATES: Applicable November 6, 2018.

FOR FURTHER INFORMATION CONTACT: Ryan Mullen or Carrie Bethea, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5260 and (202) 482–1491, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 7, 2017, Commerce published a notice of initiation of an administrative review of the countervailing duty (CVD) order on hot-

rolled steel from Korea.[1] On June 12, 2018, Commerce extended the deadline for the preliminary results of this review to no later than November 5, 2018.[2] For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[3] A list of topics discussed in the Preliminary Decision Memorandum is included at the Appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/*. The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Order

The merchandise covered by the order is certain hot-rolled steel flat products. For a complete description of the scope of the order, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a)(l)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.,* a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[4] For a full description of the methodology underlying our conclusions, *see* the accompanying Preliminary Decision Memorandum.

Companies Not Selected for Individual Review

For the companies not selected for individual review, because the rates calculated for Hyundai Steel and POSCO were above *de minimis* and not based entirely on facts available, we applied a subsidy rate based on a weighted-average of the subsidy rates calculated for Hyundai Steel and POSCO using publicly-ranged sales data submitted by the respondents. This is consistent with the methodology that we would use in an investigation to establish the all-others rate, consistent with section 705(c)(5)(A) of the Act.

Preliminary Results of Review

In accordance with 19 CFR 351.224(b)(4)(i), we calculated individual subsidy rates for Hyundai Steel and POSCO. For the POR, we preliminarily determine that the net subsidy rates for the producers/exporters under review to be as follows:

Company	Subsidy rate (percent *ad valorem*)
POSCO	1.73
Hyundai Steel Co., Ltd	0.65
DCE Inc	1.21
Dong Chuel America Inc	1.21
Dongbu Steel Co., Ltd	1.21
Dongkuk Industries Co., Ltd	1.21
Hyewon Sni Corporation (H.S.I.)	1.21
Soon Hong Trading Co., Ltd	1.21
Sung-A Steel Co., Ltd	1.21

Assessment Rate

Consistent with section 751(a)(2)(C) of the Act, upon issuance of the final results, Commerce shall determine, and Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue instructions to CBP 15 days after publication of the final results of this review. Commerce intends to issue appropriate assessment instructions directly to CBP 15 days after publication of this notice.

Cash Deposit Rate

Pursuant to section 751(a)(1) of the Act, Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amount indicated above with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit instructions, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

We will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results.[5] Commerce will establish a deadline for interested parties to submit written comments (case briefs) and rebuttal comments (rebuttal briefs) at a later date.[6] Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs. Parties who submit arguments are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[7]

Interested parties who wish to request a hearing must do so within 30 days of publication of these preliminary results by submitting a written request to the Assistant Secretary for Enforcement and Compliance using Enforcement and Compliance's ACCESS system.[8] Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce will inform parties of the scheduled date of the hearing which will be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined.[9] Issues addressed during the hearing will be limited to those raised in the briefs.[10] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Parties are reminded that all briefs and hearing requests must be filed electronically using ACCESS and received successfully in their entirety by 5 p.m. Eastern Time on the due date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, Commerce intends to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days after publication of these preliminary results.

This administrative review and notice are in accordance with sections

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 57705 (December 7, 2017) (*Initiation Notice*).

[2] *See* June 12, 2018 Memorandum re: Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review—2016.

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Countervailing Duty Administrative Review; 2016: Certain Hot-Rolled Steel Flat Products from the Republic of Korea,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[5] *See* 19 CFR 224(b).

[6] *See* 19 CFR 351.309(c)(1)(ii) and 351.309(d)(1).

[7] *See* 19 CFR 351.309(c)(2) and 351.309(d)(2).

[8] *See* 19 CFR 351.310(c).

[9] *See* 19 CFR 351.310.

[10] *See* 19 CFR 351.310(c).

751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

Dated: October 30, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Review
IV. Scope of the Order
V. Rate for Non-Examined Companies
VI. Subsidies Valuation Information
VII. Use of Facts Otherwise Available
VIII. Analysis of Programs
IX. Recommendation

[FR Doc. 2018–24252 Filed 11–5–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[Application No. 18–00002]

Export Trade Certificate of Review

ACTION: Notice of application for an Export Trade Certificate of Review for Alaska Groundfish Commission (''AGC''), Application Number 18–00002.

SUMMARY: The Office of Trade and Economic Analysis (''OTEA'') of the International Trade Administration, Department of Commerce, received an application for an Export Trade Certificate of Review (''Certificate''). This notice summarizes the application and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Joseph Flynn, Director, Office of Trade and Economic Analysis, International Trade Administration, (202) 482–5131 (this is not a toll-free number) or email at *etca@trade.gov.*

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. Sections 4001–21) (''the Act'') authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate protects the holder and the members identified in the Certificate from State and Federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. The regulations implementing Title III are found at 15 CFR part 325 (2018). OTEA is issuing this notice pursuant to 15 CFR 325.6(a), which requires the Secretary of Commerce to publish a summary of the application in the **Federal Register**, identifying the applicant and each member, and summarizing proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked as privileged or confidential business information will be deemed to be nonconfidential.

An original and five (5) copies, plus two (2) copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Office of Trade and Economic Analysis, International Trade Administration, U.S. Department of Commerce, Room 21028, Washington, DC 20230.

Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as ''Export Trade Certificate of Review, application number 18–00002.''

Summary of the Application

Applicant: Alaska Groundfish Commission, address c/o Mundt MacGregor L.L.P. (below).

Contact: Duncan R. McIntosh, Attorney at Law, Mundt MacGregor L.L.P., 271 Wyatt Way NE, Suite 106, Bainbridge Island, WA, 98110; (206) 319–1105.

Application No.: 18–00002.

Date Deemed Submitted: October 22, 2018.

Summary: AGC and its seven proposed Members (as defined in 15 CFR 352.2(l)) seek a Certificate to engage in the export conduct described below.

Applicant/Certificate Holder

- AGC

Proposed Members

- Ocean Peace, Inc., Seattle, WA
- M/V Savage, Inc., Seattle, WA
- AK Victory, Inc., Seattle, WA
- The Fishing Company of Alaska, Inc., Seattle, WA
- Alaska Warrior, Inc., Seattle, WA
- O'Hara Corporation, Rockland, ME
- O'Hara DISC, Inc., Rockland, ME

Export Products

- AGC and its Members propose to export the following six products, which are frozen-at-sea (*i.e.,* export product is frozen on the catcher-processor trawl vessel while at-sea), and in headed and gutted (*i.e.,* head and viscera are removed) and round (*i.e.,* whole) forms: Atka mackerel, Pacific Ocean perch, yellowfin sole, Pacific cod, flathead sole, and rock sole (collectively, the ''Export Products'').

Export Conduct

- AGC and its Members propose to export to all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).
- AGC and its Members seek certification for the following activities and exchanges of information.

1. Each Member will from time to time independently determine in its sole discretion (i) the quantity of Export Product that it makes available for sale in export markets, and (ii) whether any portion of such quantity will be sold independently by it, be sold in cooperation with some or all of the other Members, or be made available to AGC for sale in export markets. AGC may not require any Member to export any minimum quantity of Export Product.

2. AGC and/or its Members may enter into agreements to act in certain countries or markets as the Members' exclusive or non-exclusive export intermediary for the quantity of Export Product dedicated by each Member for sale by AGC or any Member in that country or market. In any such agreement (i) AGC or the Member acting as the exclusive export intermediary may agree not to represent any other supplier of Export Product with respect to one or more export market, and (ii) Members may agree that they will export the quantity of Export Product dedicated for sale in such export markets only through AGC or the Member acting as exclusive export intermediary, and that they will not export Export Product otherwise, either directly or through any other export intermediary.

3. AGC and/or one or more of its Members may engage in joint bidding or selling arrangements for export markets

and allocate sales resulting from such arrangements among the Members.

4. The Members may refuse to deal with export intermediaries other than AGC and its Members.

5. AGC may, for itself and on behalf of its Members, by agreement with its or its Members' distributors or agents, or on the basis of its own determination:

(a) Establish the prices at which Export Product will be sold in export markets;

(b) establish standard terms of sale of Export Product;

(c) establish standard quality grades for Export Product;

(d) establish target prices for sales of Export Product by its Members in export markets, with each Member remaining free to deviate from such target prices in its sole discretion;

(e) subject to the limitations set forth in paragraph 1, above, establish the quantity of Export Product to be sold in export markets;

(f) allocate among the Members export markets or customers in the export markets;

(g) refuse to quote prices for, or to market or sell, Export Product in export markets; and

(h) engage in joint promotional activities aimed at developing existing or new export markets, such as advertising and trade shows.

6. AGC may, for itself and on behalf of its Members, contact non-member suppliers of Export Product to elicit information relating to price, volume delivery schedules, terms of sale, and other matters relating to such suppliers' sales or prospective sales in export markets.

7. Subject to the limitations set forth in paragraph 1, above, AGC and its Members may agree on the quantities of Export Product and the prices at which AGC and its Members may sell Export Product in and for export markets, and may also agree on territorial and customer allocations in export markets among the Members.

8. AGC and its Members may enter into exclusive and non-exclusive agreements appointing third parties as export intermediaries for the sale of Export Product in export markets. Such agreements may contain the price, quantity, territorial and customer restrictions for export markets contained in paragraph 5, above.

9. AGC and its Members may solicit individual non-Member suppliers of Export Product to sell such Export Product to AGC or Members for sale in export markets.

10. AGC and its Members may prescribe conditions for withdrawal of Members from and admission of Members to AGC.

11. AGC may, for itself or on behalf of its Members, establish and implement a quality assurance program for Export Product, including without limitation establishing, staffing, and operating a laboratory to conduct quality testing, promulgating quality standards or grades, inspecting Export Product samples and publishing guidelines for and reports of the results of laboratory testing.

12. AGC may conduct meetings of its Members to engage in the activities described in paragraphs 1 through 11, above.

13. AGC may compile for, collect from, and disseminate to its Members, and the Members may discuss among themselves, either in meetings conducted by AGC or independently via telephone and other available and appropriate modes of communication, the following types of information with respect to the export of

Export Product to export markets only:

(a) Sales and marketing efforts, and activities and opportunities for sales of Export Product, including but not limited to selling strategies and pricing, projected demand for Export Product, standard or customary terms of sale in export markets, prices and availability of Export Product from competitors, and specifications for Export Product by customers in export markets;

(b) Price, quality, quantity, source, and delivery dates of Export Product available from the Members for export including but not limited to export inventory levels and geographic availability;

(c) Terms and conditions of contracts for sales to be considered and/or bid on by AGC and its Members;

(d) Joint bidding or selling arrangements and allocation of sales resulting from such arrangements among the Members, including each Member's share of the previous calendar year's total foreign sales;

(e) Expenses specific to exporting to and within export markets, including without limitation transportation, trans- or intermodal shipments, cold storage, insurance, inland freight to port, port storage, commissions, export sales, documentation, financing, customs duties, and taxes;

(f) U.S. and foreign legislation regulations and policies affecting export sales; and

(g) AGC's and/or its Members' export operations, including without limitation, sales and distribution networks established by AGC or its Members in export markets, and prior export sales by Members (including export price information).

Dated: October 31, 2018.

Joseph Flynn,

Director, Office of Trade and Economic Analysis, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 2018–24220 Filed 11–5–18; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–900]

Diamond Sawblades and Parts Thereof From the People's Republic of China: Notice of Court Decision Not in Harmony With the Final Results of Review and Amended Final Results of the Antidumping Duty Administrative Review; 2012–2013

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On October 23, 2018, the United States Court of International Trade (CIT) sustained the final remand redetermination pertaining to the administrative review of the antidumping duty order on diamond sawblades and parts thereof from the People's Republic of China covering the period November 1, 2012, through October 31, 2013. The Department of Commerce (Commerce) is notifying the public that the CIT's final judgment in this case is not in harmony with the final results of the administrative review and that Commerce is amending the final results with respect to the respondents eligible for separate rates.

DATES: Applicable November 2, 2018.

FOR FURTHER INFORMATION CONTACT: Yang Jin Chun or Minoo Hatten, 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) 482–5760 or (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 8, 2015, Commerce published the *Final Results,* in which we valued cores produced by Weihai Xiangguang Mechanical Industrial Co., Ltd., using a build-up methodology and calculated surrogate financial ratios using Philippine financial statements.[1] On

[1] *See Diamond Sawblades and Parts Thereof from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2012–*

March 31, 2017, the CIT remanded the *Final Results* to Commerce to reconsider the valuation of cores and the use of certain financial statements.[2] In the first final remand redetermination, we revised the valuation of cores and used other available financial statements to calculate surrogate financial ratios.[3] On March 22, 2018, the CIT remanded the *Final Results* to further examine the revisions to the valuation of cores and our decision not to use certain financial statements in the first final remand redetermination.[4] In the second final remand redetermination, we further revised the valuation of cores and we used additional financial statements to calculate surrogate financial ratios.[5] On October 23, 2018, the CIT sustained our second final remand redetermination in its entirety.[6]

Timken Notice

In its decision in *Timken Co.* v. *United States,* 893 F.2d 337, 341 (Fed. Cir. 1990) (*Timken*), as clarified by *Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010), the United States 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 October 23, 2018, final judgment sustaining the second final remand redetermination constitutes the CIT's final decision which is not ''in harmony'' with the *Final Results.* This notice is published in fulfillment of the publication requirements of *Timken.* Accordingly, Commerce will continue the suspension of liquidation of the subject merchandise pending expiration of the period to appeal or, if appealed, pending a final and conclusive court decision.

Amended Final Results of Review

Because there is now a final court decision, Commerce is amending the *Final Results* with respect to the separate rate respondents as follows:

Exporter	Weighted-average dumping margin (percent)
Bosun Tools Co., Ltd	3.45
Chengdu Huifeng Diamond Tools Co., Ltd[7]	12.05
Danyang City Ou Di Ma Tools Co., Ltd	12.05
Danyang Huachang Diamond Tools Manufacturing Co., Ltd	12.05
Danyang NYCL Tools Manufacturing Co., Ltd	12.05
Danyang Tsunda Diamond Tools Co., Ltd	12.05
Danyang Weiwang Tools Manufacturing Co., Ltd	12.05
Guilin Tebon Superhard Material Co., Ltd	12.05
Hangzhou Deer King Industrial and Trading Co., Ltd	12.05
Hangzhou Kingburg Import & Export Co., Ltd	12.05
Huzhou Gu's Import & Export Co., Ltd	12.05
Jiangsu Fengtai Diamond Tool Manufacture Co., Ltd[8]	12.05
Jiangsu Inter-China Group Corporation	12.05
Jiangsu Youhe Tool Manufacturer Co., Ltd	12.05
Pujiang Talent Diamond Tools Co., Ltd	12.05
Qingdao Hyosung Diamond Tools Co., Ltd	12.05
Qingyuan Shangtai Diamond Tools Co., Ltd	12.05
Quanzhou Zhongzhi Diamond Tool Co., Ltd	12.05
Rizhao Hein Saw Co., Ltd	12.05
Saint-Gobain Abrasives (Shanghai) Co., Ltd	12.05
Shanghai Jingquan Ind. Trade Co., Ltd	12.05
Shanghai Starcraft Tools Company Limited	12.05
Weihai Xiangguang Mechanical Industrial Co., Ltd	22.57
Wuhan Wanbang Laser Diamond Tools Co[9]	12.05
Xiamen ZL Diamond Technology Co., Ltd	12.05
Zhejiang Wanli Tools Group Co., Ltd	12.05

In the event the CIT'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 based on the revised rates Commerce determined and listed above.

2013, 80 FR 32344 (June 8, 2015) (*Final Results*) and accompanying Issues and Decision Memorandum at Comments 14 and 16.

[2] *See Diamond Sawblades Manufacturers' Coalition* v. *United States,* 219 F. Supp. 3d 1368 (CIT 2017).

[3] *See* Final Remand Redetermination dated September 21, 2017, pursuant to *Diamond Sawblades Manufacturers' Coalition* v. *United States,* 219 F. Supp. 3d 1368 (CIT 2017), and available at *https://enforcement.trade.gov/remands/17-36.pdf.*

[4] *See Diamond Sawblades Manufacturers' Coalition* v. *United States,* 299 F. Supp. 3d 1374 (CIT 2018).

[5] *See* Final Second Remand Redetermination dated July 20, 2018, pursuant to *Diamond Sawblades Manufacturers' Coalition* v. *United States,* 299 F. Supp. 3d 1374 (CIT 2018), and available at *https://enforcement.trade.gov/remands/18-26.pdf.*

[6] *See Diamond Sawblades Manufacturers' Coalition* v. *United States,* Consol. Court No. 15–00164, slip op. 18–145 (CIT Oct. 23, 2018).

[7] Commerce determined that Chengdu Huifeng New Material Technology Co., Ltd., is the successor-in-interest to Chengdu Huifeng Diamond Tools Co., Ltd. *See Diamond Sawblades and Parts Thereof from the People's Republic of China: Final Results of Antidumping Duty Changed Circumstances Review,* 82 FR 60177 (December 19, 2017).

[8] Commerce found Jiangsu Fengtai Diamond Tool Manufacture Co., Ltd., Jiangsu Fengtai Tools Co., Ltd., and Jiangsu Fengtai Sawing Industry Co., Ltd., affiliated and Commerce collapsed these three companies into the Jiangsu Fengtai Single Entity. *See, e.g., Diamond Sawblades and Parts Thereof from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2014–2015,* 82 FR 26912, 26913 n.5 (June 12, 2017).

[9] Commerce determined that Wuhan Wanbang Laser Diamond Tools Co., Ltd., is the successor-in-interest to Wuhan Wanbang Laser Diamond Tools Co. *See Diamond Sawblades and Parts Thereof from the People's Republic of China: Final Results of Antidumping Duty Changed Circumstances Review,* 81 FR 20618 (April 8, 2016).

Cash Deposit Requirements

As the cash deposit rates for Danyang City Ou Di Ma Tools Co., Ltd., and Danyang Tsunda Diamond Tools Co., Ltd., have not been subject to subsequent administrative reviews, Commerce will issue revised cash deposit instructions to CBP adjusting the rate from 2.34 percent to 12.05 percent, effective November 2, 2018. For all other respondents listed above, because the cash deposit rates have been updated in subsequent administrative reviews,[10] we will not update their cash deposit rates as a result of these amended final results.

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: October 31, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2018–24251 Filed 11–5–18; 8:45 am]

BILLING CODE 3510–DS–P

[10] *See Diamond Sawblades and Parts Thereof from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2014–2015,* 82 FR 26912, 26913 (June 12, 2017), for Jiangsu Inter-China Group Corporation, *Diamond Sawblades and Parts Thereof from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2013–2014,* 81 FR 38673, 38674–75 n.15 (June 14, 2016), for Pujiang Talent Diamond Tools Co., Ltd., which we identified as part of the China-wide entity, and *Diamond Sawblades and Parts Thereof from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2015–2016,* 82 FR 57585, 57586 (December 6, 2017), and accompanying Preliminary Decision Memorandum at 3–4. 9, unchanged in *Diamond Sawblades and Parts Thereof from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2015–2016,* 83 FR 17527 (April 20, 2018), for all other respondents listed above for which the cash deposit rates will not be updated as a result of these amended final results.

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Institute of Standards and Technology (NIST).

Title: National Cybersecurity Center of Excellence (NCCoE) Participant Letter(s) of Interest (LoI).

OMB Control Number: #0693–0075.

Form Number(s): None.

Type of Request: Regular submission (revision and extension of a currently approved information collection.

Number of Respondents: 120.

Average Hours per Response: 2 hours per response.

Burden Hours: 240 Hours.

Needs and Uses: New collaborative projects to address specific cybersecurity challenges. Technology providers having an interest in participating in an announced project are invited to submit Letters of Interest (LoI) in participation. NIST provides a LoI template to technology providers that express a desire to participate in a project.

Affected Public: Business or other for profit.

Frequency: Once per announcement.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer.

[FR Doc. 2018–24263 Filed 11–5–18; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG603

Meeting of the Columbia Basin Partnership Task Force of the Marine Fisheries Advisory Committee

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

ACTION: Notice of open public meeting.

SUMMARY: This notice sets forth the proposed schedule and agenda of two forthcoming meetings of the Marine Fisheries Advisory Committee's (MAFAC's) Columbia Basin Partnership Task Force (CBP Task Force). The CBP Task Force will discuss the issues outlined in the **SUPPLEMENTARY INFORMATION** below.

DATES: The meetings are scheduled for November 15, 2018, 1–4 p.m. and November 16, 2018, 10–12 p.m., Pacific Time.

ADDRESSES: The public meeting will be conducted by telephone conference call.

FOR FURTHER INFORMATION CONTACT: Katherine Cheney; NFMS West Coast Region; 503–231–6730; email: *Katherine.Cheney@noaa.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given of a meeting of MAFAC's CBP Task Force. The MAFAC was established by the Secretary of Commerce (Secretary), and, since 1971, advises the Secretary on all living marine resource matters that are the responsibility of the Department of Commerce. The MAFAC charter and summaries of prior MAFAC meetings are located online at *https://www.fisheries.noaa.gov/topic/partners#marine-fisheries-advisory-committee-.* The CBP Task Force reports to MAFAC and is being convened to develop recommendations for long-term goals to meet Columbia Basin salmon recovery, conservation needs, and harvest opportunities, in the context of habitat capacity and other factors that affect salmon mortality. More information is available at the CBP Task Force web page: *http://www.westcoast.fisheries.noaa.gov/columbia_river/index.html.*

Matters To Be Considered

The Committee is convening to discuss updates to the shared provisional salmon and steelhead quantitative goals, the draft recommendations report, and planning for the next phase of work for the CBP Task Force.

Time and Date

The meeting is scheduled for November 15, 2018, 1–4 p.m. and November 16, 2018, 10 a.m.–12 p.m., Pacific Time by conference call and webinar. Access information for the public will be posted at *http://www.westcoast.fisheries.noaa.gov/columbia_river/index.html* by November 9, 2018.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to Katherine Cheney, 503–231–6730 by November 8, 2018.

Dated: October 31, 2018.

Jennifer L. Lukens,

Federal Program Officer, Marine Fisheries Advisory Committee, National Marine Fisheries Service.

[FR Doc. 2018–24237 Filed 11–5–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG593

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice; availability of Fishery Evaluation and Management Plan and request for comment.

SUMMARY: Notice is hereby given that the Idaho Department of Fish and Game (IDFG) has submitted a Fishery Management and Evaluation Plan (FMEP) pursuant to the protective regulations promulgated for Pacific salmon and steelhead under the Endangered Species Act (ESA). The FMEP specifies the implementation of fisheries targeting adipose-fin-clipped, hatchery-origin Snake River steelhead within the State of Idaho and in boundary waters with Oregon and Washington. This document serves to notify the public of the availability of the FMEP for comment prior to a decision by NMFS whether to approve the proposed fisheries.

DATES: Comments must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific time on December 6, 2018.

ADDRESSES: Written comments on the application should be addressed to the NMFS Sustainable Fisheries Division, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232. Comments may be submitted by email. The mailbox address for providing email comments is: *IdahoSteelheadFisheriesPlan.wcr@noaa.gov.* Include in the subject line of the email comment the following identifier: Idaho's Snake River Steelhead Fisheries Plan.

FOR FURTHER INFORMATION CONTACT: Allyson Purcell, at phone number: (503) 736–4736, or via email: *allyson.purcell@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

Chinook salmon (*Oncorhynchus tshawytscha*): Threatened, naturally produced and artificially propagated Snake River Spring/Summer and Snake River Fall.

Steelhead (*O. mykiss*): Threatened, naturally produced and artificially propagated Snake River Basin.

Sockeye salmon (*O. nerka*): Endangered, naturally produced and artificially propagated Snake River

IDFG submitted the FMEP to NMFS describing fisheries targeting adult adipose-fin-clipped, hatchery-origin steelhead within the State of Idaho and in boundary waters with Oregon and Washington. The plan was submitted under ESA limit 4 of the 4(d) Rule. These fisheries were designed to support fishing opportunities while minimizing potential risks to ESA-listed species. The FMEP describes timing, location, harvest impact limits, licensing, and gear requirements, and requires that all fish caught with an intact adipose fin be released unharmed. A variety of monitoring and evaluation is included in the FMEP.

As specified in the July 10, 2000, ESA 4(d) rule for salmon and steelhead (65 FR 42422) and updated June 28, 2005 (70 FR 37160), NMFS may approve an FMEP if it meets criteria set forth in 50 CFR 223.203(b)(4)(i)(A) through (I). Prior to final approval of an FMEP, NMFS must publish notification announcing the FMEP's availability for public review and comment.

Authority

Under section 4 of the ESA, the Secretary of Commerce is required to adopt such regulations as he deems necessary and advisable for the conservation of species listed as threatened. The ESA salmon and steelhead 4(d) rule (65 FR 42422, July 10, 2000, as updated in 70 FR 37160, June 28, 2005) specifies categories of activities that contribute to the conservation of listed salmonids and sets out the criteria for such activities. Limit 4 of the updated 4(d) rule (50 CFR 223.203(b)(4)) further provides that the prohibitions of paragraph (a) of the updated 4(d) rule (50 CFR 223.203(a)) do not apply to fisheries provided that an FMEP has been approved by NMFS to be in accordance with the salmon and steelhead 4(d) rule (65 FR 42422, July 10, 2000, as updated in 70 FR 37160, June 28, 2005).

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2018–24262 Filed 11–5–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2018–ICCD–0117]

Agency Information Collection Activities; Comment Request; EDFacts Data Collection School Years 2019–20, 2020–21, and 2021–22 (With 2018–19 Continuation)

AGENCY: National Center for Education Statistics (NCES), 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 January 7, 2019.

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–0117. 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 9086, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Kashka Kubzdela, 202–245–7377 or email *NCES.Information.Collections@ed.gov.*

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: EDFacts Data Collection School Years 2019–20, 2020–21, and 2021–22 (with 2018–19 continuation).

OMB Control Number: 1850–0925.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State Education Agency.

Total Estimated Number of Annual Responses: 61.

Total Estimated Number of Annual Burden Hours: 126,880.

Abstract: EDFacts is a U.S. Department of Education (ED) initiative, conducted by the National Center for Education Statistics (NCES), to collect, analyze, report on, and promote the use of high-quality, pre-kindergarten through grade 12 (pre-K–12) performance data and state level postsecondary data for Perkins V for use in education planning, policymaking, and management and budget decision making to improve outcomes for students. By centralizing data provided by state education agencies about state level data, local education agencies, and schools, NCES uses the EDFacts data to report on students, schools, staff, services, and education outcomes at the state, district, and school levels. The centralized approach provides ED users with the ability to efficiently analyze and report on submitted data and has reduced the reporting burden for state and local data producers through the use of streamlined data collection, analysis, and reporting tools. EDFacts collects information on behalf of ED grant and program offices for approximately 150 data groups for all 50 states, Washington DC, Puerto Rico, and seven outlying areas and freely associated states (American Samoa, Federated States of Micronesia, Guam, Marshall Islands, Commonwealth of the Northern Mariana Islands, Republic of Palau, and the U.S. Virgin Islands), the Department of Defense Education Activity (DoDEA), and the Bureau of Indian Education (BIE). This request is to collect EDFacts data for the 2019–20, 2020–21, and 2021–22 school years and to expand the EDFacts data collection to include state level postsecondary data for the Strengthening Career and Technical Education for the 21st Century Act (Perkins V). This collection package will be available for public comment during two open periods, a 60 day and a 30 day, after which revisions will be made accordingly. As part of the public comment period review, ED requests that SEAs and other stakeholders respond to the directed questions found in Attachment D. Due to overlap in the timing of data collection activities between consecutive years of the EDFacts collection, we are carrying over in this submission the approved SY 2018–19 data collection, which is scheduled to end in February 2020.

Dated: November 1, 2018.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–24264 Filed 11–5–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP19–133–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate—Boston releases to be effective 11/1/2018.

Filed Date: 10/29/18.

Accession Number: 20181029–5025.

Comments Due: 5 p.m. ET 11/13/18.

Docket Numbers: RP19–134–000.

Applicants: Texas Eastern Transmission, LP.

Description: § 4(d) Rate Filing: Negotiated Rate—EDF Trading 8953795 to be effective 11/1/2018.

Filed Date: 10/29/18.

Accession Number: 20181029–5045.

Comments Due: 5 p.m. ET 11/13/18.

Docket Numbers: RP19–135–000.

Applicants: Texas Eastern Transmission, LP.

Description: § 4(d) Rate Filing: Negotiated Rate—Exelon 8953829 to be effective 11/1/2018.

Filed Date: 10/29/18.

Accession Number: 20181029–5060.

Comments Due: 5 p.m. ET 11/13/18.

Docket Numbers: RP19–136–000.

Applicants: Transcontinental Gas Pipe Line Company, LLC.

Description: Compliance filing 2018 Transco Penalty Revenue Sharing Report.

Filed Date: 10/29/18.

Accession Number: 20181029–5102.

Comments Due: 5 p.m. ET 11/13/18.

Docket Numbers: RP19–137–000.

Applicants: Natural Gas Pipeline Company of America.

Description: § 4(d) Rate Filing: Negotiated Rate Agreement—CapacityRelease Macquarie L to be effective 10/27/2018.

Filed Date: 10/29/18.

Accession Number: 20181029–5118.

Comments Due: 5 p.m. ET 11/13/18.

Docket Numbers: RP19–138–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 102918 Negotiated Rates—Mercuria Energy America, Inc. R–7540–02 to be effective 11/1/2018.

Filed Date: 10/29/18.

Accession Number: 20181029–5121.

Comments Due: 5 p.m. ET 11/13/18.

Docket Numbers: RP19–139–000.

Applicants: Portland Natural Gas Transmission System.

Description: § 4(d) Rate Filing: PXP Phase I Agreements Filing to be effective 11/1/2018.

Filed Date: 10/29/18.

Accession Number: 20181029–5163.

Comments Due: 5 p.m. ET 11/13/18.

Docket Numbers: RP19–140–000.

Applicants: Texas Eastern Transmission, LP.

Description: § 4(d) Rate Filing: TETLP-Gulfport Energy K911377 11–01–18 Release to be effective 11/1/2018.

Filed Date: 10/30/18.

Accession Number: 20181030–5026.

Comments Due: 5 p.m. ET 11/13/18.

Docket Numbers: RP19–141–000.

Applicants: Gulf South Pipeline Company, LP.

Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Atmos 45527 to 50143; 50143 to CenterPt 50149)) to be effective 11/1/2018.

Filed Date: 10/30/18.

Accession Number: 20181030–5027.

Comments Due: 5 p.m. ET 11/13/18.

Docket Numbers: RP19–142–000.

Applicants: Gulf South Pipeline Company, LP.

Description: § 4(d) Rate Filing: Amendment to Neg Rate Agmt (FPL 41619–18) to be effective 11/1/2018.

Filed Date: 10/30/18.

Accession Number: 20181030–5028.

Comments Due: 5 p.m. ET 11/13/18.

Docket Numbers: RP19–143–000.

Applicants: Texas Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Neg Rate Agmt Filing (Indiana Gas 37026) to be effective 11/1/2018.

Filed Date: 10/30/18.

Accession Number: 20181030–5030.

Comments Due: 5 p.m. ET 11/13/18.

Docket Numbers: RP19–144–000.

Applicants: Texas Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Neg Rate Agmts Filing (PEAK 36805, 36806) to be effective 11/1/2018.

Filed Date: 10/30/18.

Accession Number: 20181030–5034.

Comments Due: 5 p.m. ET 11/13/18.

Docket Numbers: RP19–145–000.

Applicants: Natural Gas Pipeline Company of America.

Description: § 4(d) Rate Filing: Negotiated Rate Agreement-Capacity Release Macquarie 10302018 to be effective 10/30/2018.

Filed Date: 10/30/18.

Accession Number: 20181030–5043.

Comments Due: 5 p.m. ET 11/13/18.

Docket Numbers: RP19–146–000.

Applicants: Trunkline Gas Company, LLC.

Description: Compliance filing Annual Interruptible Storage Revenue Credit filed 10–31–18.

Filed Date: 10/30/18.

Accession Number: 20181030–5062.

Comments Due: 5 p.m. ET 11/13/18.

Docket Numbers: RP19–147–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: § 4(d) Rate Filing: AGT-Bay State K510804 11–1–18 Releases to be effective 11/1/2018.

Filed Date: 10/30/18.

Accession Number: 20181030–5066.

Comments Due: 5 p.m. ET 11/13/18.

Docket Numbers: RP19–149–000.

Applicants: Pine Prairie Energy Center, LLC.

Description: § 4(d) Rate Filing: Pine Prairie Energy Center, LLC—Proposed Revisions to FERC Gas Tariff to be effective 11/30/2018.

Filed Date: 10/30/18.

Accession Number: 20181030–5099.

Comments Due: 5 p.m. ET 11/13/18.

Docket Numbers: RP19–150–000.

Applicants: Texas Eastern Transmission, LP.

Description: § 4(d) Rate Filing: Negotiated Rates eff 11–1–2018—ConEd NJNY Releases to be effective 11/1/2018.

Filed Date: 10/30/18.

Accession Number: 20181030–5119.

Comments Due: 5 p.m. ET 11/13/18.

Docket Numbers: RP19–151–000.

Applicants: Texas Eastern Transmission, LP.

Description: § 4(d) Rate Filing: Negotiated Rate—Castleton 911552 to be effective 11/1/2018.

Filed Date: 10/30/18.

Accession Number: 20181030–5122.

Comments Due: 5 p.m. ET 11/13/18.

Docket Numbers: RP19–152–000.

Applicants: Dauphin Island Gathering Partners.

Description: § 4(d) Rate Filing: Negotiated Rate Filing 10–30–2018 to be effective 11/1/2018.

Filed Date: 10/30/18.

Accession Number: 20181030–5152.

Comments Due: 5 p.m. ET 11/13/18.

Docket Numbers: RP19–153–000.

Applicants: Cimarron River Pipeline, LLC.

Description: § 4(d) Rate Filing: Negotiated Rates 2018–11–01 to be effective 11/1/2018.

Filed Date: 10/30/18.

Accession Number: 20181030–5179.

Comments Due: 5 p.m. ET 11/13/18.

Docket Numbers: RP19–154–000.

Applicants: Colorado Interstate Gas Company, L.L.C..

Description: § 4(d) Rate Filing: Storage Thermal Rate Adjustment Filing (Mainline) to be effective 11/1/2018.

Filed Date: 10/30/18.

Accession Number: 20181030–5186.

Comments Due: 5 p.m. ET 11/13/18.

Docket Numbers: RP19–155–000.

Applicants: Southern Star Central Gas Pipeline, Inc..

Description: § 4(d) Rate Filing: Vol. 2 Negotiated and Non-Conforming PLS-Tenaska November 2018 Amendment to be effective 10/1/2018.

Filed Date: 10/30/18.

Accession Number: 20181030–5203.

Comments Due: 5 p.m. ET 11/13/18.

Docket Numbers: RP19–156–000.

Applicants: Central Kentucky Transmission Company.

Description: eTariff filing per 1440: Central Kentucky Limited Section 4 Tax Reduction Filing to be effective 12/1/2018.

Filed Date: 10/30/18.

Accession Number: 20181030–5209.

Comments Due: 5 p.m. ET 11/13/18.

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: October 31, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–24242 Filed 11–5–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR19–5–000]

Marathon Pipe Line LLC; Notice of Request for Temporary Waiver

Take notice that on October 30, 2018, Marathon Pipe Line LLC (MPL) filed a petition seeking a temporary waiver of the tariff filing and reporting requirements of sections 6 and 20 of the Interstate Commerce Act and parts 341 and 357 of the Commission's regulations for a pipeline asset in Davidson County, Tennessee, all as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC.

There is an ''eSubscription'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on November 30, 2018.

Dated: October 31, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–24240 Filed 11–5–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC19–20–000.

Applicants: Beech Ridge Energy LLC, Beech Ridge Energy II LLC, Beech Ridge Energy II Holdings LLC, Beech Ridge Energy Storage LLC, Camilla Solar Energy LLC, Buckeye Wind Energy LLC, Grand Ridge Energy LLC, Grand Ridge Energy II LLC, Grand Ridge Energy III LLC, Grand Ridge Energy IV LLC, Grand Ridge Energy V LLC, Grand Ridge Energy Storage LLC, Gratiot County Wind LLC, Gratiot County Wind II LLC, Hardin Wind Energy LLC, Hardin Wind Energy Holdings LLC, Invenergy TN LLC, Judith Gap Energy LLC, Pine River Wind Energy LLC, Prairie Breeze Wind Energy II LLC, Prairie Breeze Wind Energy III LLC, Sheldon Energy LLC, Spring Canyon Energy LLC, States Edge Wind I LLC, States Edge Wind I Holdings LLC, Stony Creek Energy LLC, Upstream Wind Energy LLC, Vantage Wind Energy LLC, Willow Creek Energy LLC, Wolverine Creek Energy LLC, Wolverine Creek Goshen Interconnection, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act, et al. of Beech Ridge Energy LLC, et al.

Filed Date: 10/31/18.

Accession Number: 20181031–5194.

Comments Due: 5 p.m. ET 11/21/18.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG19–14–000.

Applicants: Carson Hybrid Energy Storage LLC.

Description: Carson Hybrid Energy Storage LLC Submits EWG Self-Certification.

Filed Date: 10/31/18.

Accession Number: 20181031–5179.

Comments Due: 5 p.m. ET 11/21/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER19–220–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: SCE 2019 TRBAA Update to be effective 1/1/2019.

Filed Date: 10/30/18.

Accession Number: 20181030–5121.

Comments Due: 5 p.m. ET 11/20/18.

Docket Numbers: ER19–221–000.

Applicants: San Diego Gas & Electric Company.

Description: § 205(d) Rate Filing: TO5 Formula Tariff Filing to be effective 1/1/2019.

Filed Date: 10/30/18.

Accession Number: 20181030–5125.

Comments Due: 5 p.m. ET 11/20/18.

Docket Numbers: ER19–223–000.

Applicants: MidWest Power.

Description: Baseline eTariff Filing: Application for Market Based Rate to be effective 1/1/2019.

Filed Date: 10/30/18.

Accession Number: 20181030–5161.

Comments Due: 5 p.m. ET 11/20/18.

Docket Numbers: ER19–224–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Revisions to Attachment Y to Add Competitive Upgrade Re-Eevaluation Process to be effective 12/29/2018.

Filed Date: 10/30/18.

Accession Number: 20181030–5195.

Comments Due: 5 p.m. ET 11/20/18.

Docket Numbers: ER19–225–000.

Applicants: Arizona Public Service Company.

Description: Tariff Cancellation: Cancellation of Service Agreement No. 368 to be effective 12/31/2018.

Filed Date: 10/30/18.

Accession Number: 20181030–5196.

Comments Due: 5 p.m. ET 11/20/18.

Docket Numbers: ER19–226–000.

Applicants: Wisconsin Public Service Corporation.

Description: § 205(d) Rate Filing: WPSC Rate Filing W–1A Tariff and Rate Schedule No. 87 to be effective 11/1/2018.

Filed Date: 10/30/18.

Accession Number: 20181030–5197.

Comments Due: 5 p.m. ET 11/20/18.

Docket Numbers: ER19–227–000.

Applicants: Entergy Services, LLC.

Description: § 205(d) Rate Filing: Entergy Services, LLC to be effective 10/30/2018.

Filed Date: 10/30/18.

Accession Number: 20181030–5206.

Comments Due: 5 p.m. ET 11/20/18.

Docket Numbers: ER19–228–000.

Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Service Agreement No. 369—LCWCD to be effective 10/1/2018.

Filed Date: 10/30/18.

Accession Number: 20181030–5207.

Comments Due: 5 p.m. ET 11/20/18.

Docket Numbers: ER19–229–000.

Applicants: Allegheny Ridge Wind Farm, LLC.

Description: Baseline eTariff Filing: Reactive Power Compensation Filing to be effective 12/30/2018.

Filed Date: 10/31/18.

Accession Number: 20181031–5031.

Comments Due: 5 p.m. ET 11/21/18.

Docket Numbers: ER19–230–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 2891R4 AECC and Entergy Arkansas Attachment AO to be effective 10/1/2018.

Filed Date: 10/31/18.

Accession Number: 20181031–5040.

Comments Due: 5 p.m. ET 11/21/18.

Docket Numbers: ER19–231–000.

Applicants: Dynegy Oakland, LLC.

Description: § 205(d) Rate Filing: Annual Reliability Must Run Agreement and Schedule F Informational Filings to be effective 1/1/2019.

Filed Date: 10/31/18.

Accession Number: 20181031–5054.

Comments Due: 5 p.m. ET 11/21/18.

Docket Numbers: ER19–232–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2018–10–31_SA 3194 OSER-Ameren Illinois GIA (J641) to be effective 10/17/2018.

Filed Date: 10/31/18.

Accession Number: 20181031–5055.

Comments Due: 5 p.m. ET 11/21/18.

Docket Numbers: ER19–233–000.

Applicants: California Power Exchange Corporation.

Description: § 205(d) Rate Filing: Rate Filing for Rate Period 34 to be effective 1/1/2019.

Filed Date: 10/31/18.

Accession Number: 20181031–5070.

Comments Due: 5 p.m. ET 11/21/18.

Docket Numbers: ER19–234–000.

Applicants: Grant Wind, LLC.

Description: Initial rate filing: Amended and Restated Co-Tenancy and Shared Facilities Agreement Filing to be effective 11/1/2018.

Filed Date: 10/31/18.

Accession Number: 20181031–5074.

Comments Due: 5 p.m. ET 11/21/18.

Docket Numbers: ER19–235–000.

Applicants: Startrans IO, LLC.

Description: § 205(d) Rate Filing: TRBAA 2019 Update to be effective 1/1/2019.

Filed Date: 10/31/18.

Accession Number: 20181031–5084.

Comments Due: 5 p.m. ET 11/21/18.

Docket Numbers: ER19–236–000.

Applicants: Grant Plains Wind, LLC.

Description: Initial rate filing: Amended and Restated Co-Tenancy and Shared Facilities Agreement Filing to be effective 11/1/2018.

Filed Date: 10/31/18.

Accession Number: 20181031–5109.

Comments Due: 5 p.m. ET 11/21/18.

Docket Numbers: ER19–237–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original ISA SA No. 5225; Queue No. AB2–059 to be effective 10/3/2018.

Filed Date: 10/31/18.

Accession Number: 20181031–5126.

Comments Due: 5 p.m. ET 11/21/18.

Docket Numbers: ER19–238–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original ISA SA No. 5222; Queue No. AB2–169 to be effective 10/2/2018.

Filed Date: 10/31/18.

Accession Number: 20181031–5151.

Comments Due: 5 p.m. ET 11/21/18.

Docket Numbers: ER19–239–000.

Applicants: Florida Power & Light Company.

Description: § 205(d) Rate Filing: FPL Revisions to GTC Rate Schedule FERC No. 321 to be effective 1/1/2019.

Filed Date: 10/30/18.

Accession Number: 20181030–5250.

Comments Due: 5 p.m. ET 11/20/18.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES19–4–000.

Applicants: Nantucket Electric Company, The Narragansett Electric Company, Niagara Mohawk Power Corporation, New England Hydro-Transmission Electric Company, Inc., National Grid Generation LLC.

Description: Joint Application under Section 204 of the Federal Power Act for Authorization to Issue Securities of Nantucket Electric Company, et al.

Filed Date: 10/31/18.

Accession Number: 20181031–5203.

Comments Due: 5 p.m. ET 11/21/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 31, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–24241 Filed 11–5–18; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2015–0765; FRL–9986–12–ORD]

Board of Scientific Counselors (BOSC) Homeland Security Subcommittee Meeting—December 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 (EPA), Office of Research and Development (ORD), gives notice of a meeting of the Board of Scientific Counselors (BOSC) Homeland Security Subcommittee.

DATES: The meeting will be held on Wednesday, December 12, 2018, from 8 a.m. to 5 p.m., Thursday, December 13, 2018, from 8 a.m. until 5 p.m. and Friday, December 14, 2018 from 8 a.m. until 1 p.m. All times noted are Eastern Time and approximate. The meeting may adjourn early if all business is finished. Attendees should register by December 5, 2018. Requests for making oral presentations at the meeting will be accepted up to one business day before the meeting.

ADDRESSES: The meeting will be held at the EPA's RTP Main Campus Facility, 109 T.W. Alexander Drive, Research Triangle Park, NC 27711. Submit your comments, identified by Docket ID No. EPA–HQ–ORD–2015–0765, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email:* Send comments by electronic mail (email) to: *ORD.Docket@epa.gov,* Attention Docket ID No. EPA–HQ–ORD–2015–0765.
- *Fax:* Fax comments to: (202) 566–0224, Attention Docket ID No. EPA–HQ–ORD–2015–0765.
- *Mail:* Send comments by mail to: Board of Scientific Counselors (BOSC) Homeland Security Subcommittee Docket, Mail Code: 2822T, 1301 Constitution Ave. NW, Washington, DC 20004, Attention Docket ID No. EPA–HQ–ORD–2015–0765.
- *Hand Delivery or Courier:* Deliver comments to: EPA Docket Center (EPA/DC), Room 3334, William Jefferson Clinton West Building, 1301 Constitution Ave. NW, Washington, DC, Attention Docket ID No. EPA–HQ–ORD–2015–0765. Note: this is not a mailing address. Deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–ORD–2015–0765. 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) Homeland Security Subcommittee Docket, EPA/DC, William Jefferson Clinton West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the ORD Docket is (202) 566–1752.

FOR FURTHER INFORMATION CONTACT: The Designated Federal Officer via mail at: Tom Tracy, Mail Code 8104R, Office of Science Policy, Office of Research and Development, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; via phone/voice mail at: (202) 564–6518; via fax at: (202) 565–2911; or via email at: *tracy.tom@epa.gov.*

SUPPLEMENTARY INFORMATION:

General Information: The meeting is open to the public. Any member of the public interested in receiving a draft agenda, attending the meeting, or making a presentation at the meeting may contact Tom Tracy, the Designated Federal Officer, via any of the contact methods listed in the **FOR FURTHER INFORMATION CONTACT** section above. Individuals making an oral presentation will be limited to a total of three minutes. For security purposes, all attendees must provide their names to the Designated Federal Officer or register online at *https://epa-bosc-homelandsecurity-subcommittee.eventbrite.com* by December 5, 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 Homeland Security 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 Tom Tracy at (202) 564–6518 or *tracy.tom@epa.gov.* To request accommodation of a disability, please contact Tom Tracy, preferably at least ten days prior to the meeting, to give the EPA as much time as possible to process your request.

Dated October 26, 2018.

Fred S. Hauchman,

Director, Office of Science Policy.

[FR Doc. 2018–24268 Filed 11–5–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9985–90–OA]

Notification of a Public Teleconference of the Chartered Clean Air Scientific Advisory Committee (CASAC)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office announces a public teleconference of the Chartered Clean Air Scientific Advisory Committee (CASAC) provide advice on EPA's *Integrated Review Plan for the Review of the Ozone National Ambient Air Quality Standards (External Review Draft).*

DATES: The Chartered CASAC teleconference will be held on Thursday, November 29, 2018, from 10 a.m. to 2 p.m. (Eastern Time).

LOCATION: The teleconference will be held by telephone only.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing to obtain information concerning the teleconference may contact Mr. Aaron Yeow, Designated Federal Officer (DFO), EPA Science Advisory Board Staff Office (1400R), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; by telephone at (202) 564–2050 or at *yeow.aaron@epa.gov.* General information about the CASAC, as well as any updates concerning the teleconference announced in this notice, may be found on the CASAC web page at *http://www.epa.gov/casac.*

SUPPLEMENTARY INFORMATION: The CASAC was established pursuant to the Clean Air Act (CAA) Amendments of 1977, codified at 42 U.S.C. 7409(d)(2), to review air quality criteria and National Ambient Air Quality Standards (NAAQS) and recommend any new NAAQS and revisions of existing criteria and NAAQS as may be appropriate. The CASAC shall also: Advise the EPA Administrator of areas in which additional knowledge is required to appraise the adequacy and basis of existing, new, or revised NAAQS; describe the research efforts necessary to provide the required information; advise the EPA Administrator on the relative contribution to air pollution concentrations of natural as well as anthropogenic activity; and advise the EPA Administrator of any adverse public health, welfare, social, economic, or energy effects which may result from various strategies for attainment and maintenance of such NAAQS. The CASAC is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2.

As amended, 5 U.S.C., App. Section 109(d)(1) of the Clean Air Act (CAA) requires that EPA carry out a periodic review and revision, as appropriate, of the air quality criteria and the NAAQS for the six ''criteria'' air pollutants, including ozone. On October 10, 2018, Acting Administrator Andrew Wheeler announced (*https://www.epa.gov/newsreleases/acting-administrator-wheeler-announces-science-advisors-key-clean-air-act-committee*) that the seven-member Chartered CASAC will serve as the body to review the key scientific assessments for the Ozone NAAQS review.

Pursuant to FACA and EPA policy, notice is hereby given that the Chartered CASAC will hold a public teleconference to provide advice on EPA's *Integrated Review Plan for the Review of the Ozone National Ambient Air Quality Standards (External Review Draft).* The Chartered CASAC will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

Technical Contacts: Any technical questions concerning the *Integrated Review Plan for the Review of the Ozone National Ambient Air Quality Standards (External Review Draft)* should be directed to Dr. Deirdre Murphy (*murphy.deirdre@epa.gov*), EPA Office of Air and Radiation.

Availability of Meeting Materials: Prior to the meeting, the review documents, agenda and other materials will be available on the CASAC web page at *http://www.epa.gov/casac/.*

Procedures for Providing Public Input: Public comment for consideration by

EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including scientific advisory committees, provide independent advice to EPA. Members of the public can submit relevant comments on the topic of this advisory activity, including the charge to the CASAC and the EPA review documents, and/or the group conducting the activity, for the CASAC to consider as it develops advice for EPA. Input from the public to the CASAC will have the most impact if it provides specific scientific or technical information or analysis for CASAC to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide comment should follow the instructions below to submit comments.

Oral Statements: In general, individuals or groups requesting an oral presentation at a public meeting will be limited to five minutes. Each person making an oral statement should consider providing written comments as well as their oral statement so that the points presented orally can be expanded upon in writing. Interested parties should contact Mr. Aaron Yeow, DFO, in writing (preferably via email) at the contact information noted above by November 23, 2018, to be placed on the list of public speakers.

Written Statements: Written statements will be accepted throughout the advisory process; however, for timely consideration by CASAC members, statements should be supplied to the DFO (preferably via email) at the contact information noted above by November 23, 2018. It is the SAB Staff Office general policy to post written comments on the web page for the advisory meeting or teleconference. Submitters are requested to provide an unsigned version of each document because the SAB Staff Office does not publish documents with signatures on its websites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the CASAC website. Copyrighted material will not be posted without explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities, please contact Mr. Aaron Yeow at (202) 564–2050 or *yeow.aaron@epa.gov.* To request accommodation of a disability, please contact Mr. Yeow preferably at least ten days prior to each meeting to give EPA as much time as possible to process your request.

Dated: October 25, 2018.

Khanna Johnston,

Acting Director, EPA Science Advisory Staff Office.

[FR Doc. 2018–24269 Filed 11–5–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9986–13–OA]

Notification of a Public Meeting of the Chartered Clean Air Scientific Advisory Committee (CASAC)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office announces a public meeting of the Chartered Clean Air Scientific Advisory Committee (CASAC) to peer review EPA's *Integrated Science Assessment (ISA) for Particulate Matter (External Review Draft—October 2018).*

DATES: The Chartered CASAC meeting will be on Wednesday, December 12, 2018, from 9:00 a.m. to 5:30 p.m. (Eastern Time) and on Thursday, December 13, 2018, from 8:30 a.m. to 3:30 p.m. (Eastern Time).

ADDRESSES: The public meeting will be held at the Crystal Gateway Marriott, 1700 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing to obtain information concerning the public meeting may contact Mr. Aaron Yeow, Designated Federal Officer (DFO), EPA Science Advisory Board Staff Office (1400R), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; by telephone/voice mail at (202) 564–2050 or at *yeow.aaron@epa.gov.* General information about the CASAC, as well as any updates concerning the meeting announced in this notice, may be found on the EPA website at *http://www.epa.gov/casac.*

SUPPLEMENTARY INFORMATION: The CASAC was established pursuant to the Clean Air Act (CAA) Amendments of 1977, codified at 42 U.S.C. 7409(d)(2), to review air quality criteria and NAAQS and recommend any new NAAQS and revisions of existing criteria and NAAQS as may be appropriate. The CASAC shall also provide advice, information, and recommendations to the Administrator on the scientific and technical aspects of issues related to the criteria for air quality standards, research related to air quality, sources of air pollution, and of adverse effects which may result from various strategies to attain and maintain air quality standards. The CASAC is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2. Section 109(d)(1) of the CAA requires that the Agency periodically review and revise, as appropriate, the air quality criteria and the NAAQS for the six ''criteria'' air pollutants, including particulate matter. EPA is currently reviewing the NAAQS for particulate matter (PM).

On October 10, 2018, Acting Administrator Andrew Wheeler announced (*https://www.epa.gov/newsreleases/acting-administrator-wheeler-announces-science-advisors-key-clean-air-act-committee*) that the seven-member Chartered CASAC will serve as the body to review the remaining key scientific assessments for the PM NAAQS review.

Pursuant to FACA and EPA policy, notice is hereby given that the Chartered CASAC will hold a public meeting to peer review EPA's *Integrated Science Assessment (ISA) for Particulate Matter (External Review Draft—October 2018).* The Chartered CASAC will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

Technical Contacts: Any technical questions concerning the *Integrated Science Assessment for Particulate Matter (External Review Draft—October 2018)* should be directed to Mr. Jason Sacks (*sacks.jason@epa.gov*).

Availability of Meeting Materials: Prior to the meeting, the review documents, agenda and other materials will be accessible through the calendar link on the blue navigation bar at *http://www.epa.gov/casac/.*

Procedures for Providing Public Input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including scientific advisory committees, provide independent advice to EPA. Members of the public can submit relevant comments on the topic of this advisory activity, including the charge to the CASAC and the EPA review documents, and/or the group conducting the activity, for the CASAC to consider as it develops advice for EPA. Input from

the public to the CASAC will have the most impact if it provides specific scientific or technical information or analysis for CASAC to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide comment should follow the instructions below to submit comments.

Oral Statements: In general, individuals or groups requesting an oral presentation at a public meeting will be limited to five minutes. Each person making an oral statement should consider providing written comments as well as their oral statement so that the points presented orally can be expanded upon in writing. Interested parties should contact Mr. Aaron Yeow, DFO, in writing (preferably via email) at the contact information noted above by December 5, 2018, to be placed on the list of public speakers.

Written Statements: Written statements will be accepted throughout the advisory process; however, for timely consideration by CASAC members, statements should be supplied to the DFO (preferably via email) at the contact information noted above by December 5, 2018. It is the SAB Staff Office general policy to post written comments on the web page for the advisory meeting or teleconference. Submitters are requested to provide an unsigned version of each document because the SAB Staff Office does not publish documents with signatures on its websites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the CASAC website. Copyrighted material will not be posted without explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities, please contact Mr. Aaron Yeow at (202) 564–2050 or *yeow.aaron@epa.gov.* To request accommodation of a disability, please contact Mr. Yeow preferably at least ten days prior to each meeting to give EPA as much time as possible to process your request.

Dated: October 29, 2018.

Khanna Johnston,

Acting Director, EPA Science Advisory Staff Office.

[FR Doc. 2018–24266 Filed 11–5–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0270, OMB 3060–0463 and OMB 3060–3060–1215]

Information Collections Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before December 6, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page <*http://www.reginfo.gov/public/do/PRAMain*>, (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control No.: 3060–0270.

Title: Section 90.443, Content of Station Records.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions, and state, local or tribal government.

Number of Respondents: 52,383 respondents; 52,383 responses.

Estimated Time per Response: .25 hours.

Frequency of Response: Recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this collection of

information is contained in 47 U.S.C. Section 303(j), as amended.

Total Annual Burden: 13,096 hours.

Annual Cost Burden: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: The information collection requirements contained under Section 90.443(b) require that each licensee of a station shall maintain records for all stations by providing the dates and pertinent details of any maintenance performed on station equipment, along with the name and address of the service technician who did the work. If all maintenance is performed by the same technician or service company, the name and address need be entered only once in the station records.

The information collection requirements under Section 90.443(c) require that at least one licensee participating in the cost arrangement must maintain cost sharing records.

OMB Control Number: 3060–0463.

Title: Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities, CG Docket No. 03–123.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit; Individuals or household; State, Local and Tribal Government.

Number of Respondents and Responses: 5,072 respondents; 7,314 responses.

Estimated Time per Response: 0.5 hours (30 minutes) to 80 hours.

Frequency of Response: Annually, monthly, on occasion, and one-time reporting requirements; Recordkeeping and Third-Party Disclosure requirements.

Obligation to Respond: Required to obtain or retain benefit. The statutory authority for the information collection requirements is found at section 225 of the Communications Act, 47 U.S.C. 225. The law was enacted on July 26, 1990, as Title IV of the ADA, Public Law 101–336, 104 Stat. 327, 366–69.

Total Annual Burden: 12,342 hours.

Total Annual Cost: $10,800.

Nature and Extent of Confidentiality: Confidentiality is an issue to the extent that individuals and households provide personally identifiable information, which is covered under the FCC's updated system of records notice (SORN), FCC/CGB–1, ''Informal Complaints, Inquiries, and Requests for Dispute Assistance.'' As required by the Privacy Act, 5 U.S.C. 552a, the Commission also published a SORN, FCC/CGB–1 ''Informal Complaints, Inquiries, and Requests for Dispute Assistance,'' in the **Federal Register** on August 15, 2014 (79 FR 48152) which became effective on September 24, 2014.

Privacy Impact Assessment: The FCC completed a Privacy Impact Assessment (PIA) on June 28, 2007. It may be reviewed at *https://www.fcc.gov/general/privacy-act-information#pia.* The Commission is in the process of updating the PIA to incorporate various revisions to it as a result of revisions to the SORN.

Needs and Uses: On December 21, 2001, the Commission released the 2001 TRS Cost Recovery Order, document FCC 01–371, published at 67 FR 4203, January 29, 2002, in which the Commission:

(1) Directed the Interstate Telecommunications Relay Services (TRS) Fund (TRS Fund) administrator to continue to use the average cost per minute compensation methodology for the traditional TRS compensation rate;

(2) required TRS providers to submit certain projected TRS-related cost and demand data to the TRS Fund administrator to be used to calculate the rate; and

(3) directed the TRS Fund administrator to expand its form for providers to itemize their actual and projected costs and demand data, and to include specific sections to capture speech-to-speech (STS) and video relay service (VRS) costs and minutes of use.

In 2003, the Commission released the 2003 Second Improved TRS Order, published at 68 FR 50973, August 25, 2003, which among other things required that TRS providers offer certain local exchange carrier (LEC)-based improved services and features where technologically feasible, including a speed dialing requirement which may entail voluntary recordkeeping for TRS providers to maintain a list of telephone numbers. See also 47 CFR 64.604(a)(3)(vi)(B).

In 2007, the Commission released the Section 225/255 VoIP Report and Order, published at 72 FR 43546, August 6, 2007, extending the disability access requirements that apply to telecommunications service providers and equipment manufacturers under 47 U.S.C. 225, 255 to interconnected voice over internet protocol (VoIP) service providers and equipment manufacturers. As a result, under rules implementing section 225 of the Act, interconnected VoIP service providers are required to publicize information about telecommunications relay services (TRS) and 711 abbreviated dialing access to TRS. See also 47 CFR 64.604(c)(3).

In 2007, the Commission also released the 2007 Cost Recovery Report and Order and Declaratory Ruling, published at 73 FR 3197, January 17, 2008, in which the Commission:

(1) Adopted a new cost recovery methodology for interstate traditional TRS and interstate STS based on the Multi-state Average Rate Structure (MARS) plan, under which interstate TRS compensation rates are determined by weighted average of the states' intrastate compensation rates, and which includes for STS additional compensation approved by the Commission for STS outreach;

(2) requires STS providers to file a report annually with the TRS Fund administrator and the Commission on their specific outreach efforts directly attributable to the additional compensation approved by the Commission for STS outreach.

(3) adopted a new cost recovery methodology for interstate captioned telephone service (CTS), as well as internet Protocol captioned telephone service (IP CTS), based on the MARS plan;

(4) adopted a cost recovery methodology for internet Protocol (IP) Relay based on price caps;

(5) adopted a cost recovery methodology for VRS that adopted tiered rates based on call volume;

(6) clarified the nature and extent that certain categories of costs are compensable from the Fund; and

(7) addressed certain issues concerning the management and oversight of the Fund, including prohibiting financial incentives offered to consumers to make relay calls.

In 2018, the Commission released the IP CTS Modernization Order, published at 83 FR 30082, June 27, 2018, in which the Commission:

(1) Determined that it would transition the methodology for IP CTS cost recovery from the MARS plan to cost-based rates and adopted interim rates; and

(2) added two cost reporting requirements for IP CTS providers: (i) In annual cost data filings and supplementary information provided to the TRS Fund administrator, IP CTS providers that contract for the supply of services used in the provision of TRS, shall include information about payments under such contracts, classified according to the substantive cost categories specified by the TRS Fund administrator; and (ii) in the course of an audit or otherwise upon demand, IP CTS providers must make

available any relevant documentation. 47 CFR 64.604(c)(5)(iii)(D)(1), (6).

OMB Control Number: 3060–1215.

Title: Use of Spectrum Bands Above 24 GHz for Mobile Radio Services.

Form Number: N/A.

Type of Review: Revision of an existing collection.

Respondents: Business or other for-profit, not-for-profit institutions, and state, local and tribal government.

Number of Respondents: 280 respondents; 280 responses.

Estimated Time per Response: .5–10 hours.

Frequency of Response: On occasion reporting requirement; third party disclosure requirement; upon commencement of service, or within 3 years of effective date of rules; and at end of license term, or 2024 for incumbent licensees.

Obligation to Respond: Statutory authority for this collection are contained in sections 1, 2, 3, 4, 5, 7, 10, 201, 225, 227, 301, 302, 302a, 303, 304, 307, 309, 310, 316, 319, 332, and 336 of the Communications Act of 1934, 47 U.S.C. 151, 152, 153, 154, 155, 157, 160, 201, 225, 227, 301, 302, 302a, 303, 304, 307, 309, 310, 316, 319, 332, 336, Section 706 of the Telecommunications Act of 1996, as amended, 47 U.S.C. 1302.

Total Annual Burden: 615 hours.

Total Annual Cost: $450,000.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: In this collection, the Commission adopted new licensing, service, and technical rules under Part 30 of the Commission's Rules for the 24.25–24.45 GHz and 24.75–25.25 GHz bands (collectively, 24 GHz band), the 27.5–28.35 GHz band (28 GHz band), the 38.6–40 GHz band (39 GHz band), the 37–38.6 GHz band (37 GHz band), the 47.2–48.2 GHz band (47 GHz band). Therefore, the Commission expanded the scope of the rules to include additional bands. In turn, since the rules now apply in additional bands, the number of respondents, the annual number of responses, annual burden hours and annual costs will increase for this collection. The Commission also authorizes unlicensed use in the 64–71 GHz band under Part 15. In so doing, the Commission created a consistent framework across all of the bands that can serve as a template for additional bands in the future.

The rules adopted by the Commission, in FCC 17–152 and FCC 18–73 revise the previously approved information collection relating to Section 25.136 of the Commission's Rules. The Commission added the 24 GHz band and the 47 GHz band (47.2–48.2 GHz) to the bands that are subject to the framework for sharing between the Upper Microwave Flexible Use Service (UMFUS) and the Fixed-Satellite Service (FSS) established in that rule. In addition, the Commission modified the sharing criteria between UMFUS and FSS to facilitate deployment of FSS earth stations in smaller markets and decrease the possibility of conflicts between UMFUS and FSS.

Section 25.136—This rule contains both a third-party coordination requirement and a filing requirement. Both requirements are necessary to ensure that Fixed Satellite Service earth stations can receive interference protection without having an undue impact on terrestrial deployment.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–24183 Filed 11–5–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Revision of Information Collection; National Survey of Unbanked and Underbanked Households; Comment Request (3064–0167)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its obligations under the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to take this opportunity to comment on the survey collection instrument for its sixth National Survey of Unbanked and Underbanked Households (Household Survey), currently approved under OMB Control No. 3064–0167, scheduled to be conducted in partnership with the U.S. Census Bureau as a supplement to its June 2019 Current Population Survey (CPS). The survey seeks to measure and track economic inclusion among U.S. households, and to identify the factors that inhibit the participation of these households in the mainstream banking system and opportunities to expand the use of banking services among underserved consumers. The results of these ongoing surveys will help policymakers and bankers understand the issues and challenges underserved households perceive when deciding how and where to conduct financial transactions.

DATES: Comments must be submitted on or before January 7, 2019.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/notices.html.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Manny Cabeza (202–898–3767), Counsel, MB–3007, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street NW, building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to OMB control number 3064–0167. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Manny Cabeza, Counsel, (202) 898–3767, *mcabeza@fdic.gov,* MB–3007, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION: The FDIC is considering possible revisions to the following collection of information:

Title: National Survey of Unbanked and Underbanked Households.

OMB Number: 3064–0167.

Frequency of Response: Once.

Affected Public: U.S. Households.

Estimated Number of Respondents: 40,000.

Average time per response: 9 minutes (0.15 hours) per respondent.

Estimated Total Annual Burden: 0.15 hours × 40,000 respondents = 6,000 hours.

General Description of Collection: The FDIC recognizes that public confidence in the banking system is strengthened when banks effectively serve the broadest possible set of consumers. As a result, the agency is committed to increasing economic inclusion in the financial mainstream by ensuring that all Americans have access to safe, secure, and affordable banking services. The National Survey of Unbanked and Underbanked Households is one contribution to this end.

The National Survey of Unbanked and Underbanked Households is also a key

component of the FDIC's efforts to comply with a Congressional mandate contained in section 7 of the Federal Deposit Insurance Reform Conforming Amendments Act of 2005 (''Reform Act'') (Pub. L. 109–173), which calls for the FDIC to conduct ongoing surveys ''on efforts by insured depository institutions to bring those individuals and families who have rarely, if ever, held a checking account, a savings account or other type of transaction or check cashing account at an insured depository institution (hereafter in this section referred to as the 'unbanked') into the conventional finance system.'' Section 7 further instructs the FDIC to consider several factors in its conduct of the surveys, including: (1) ''What cultural, language and identification issues as well as transaction costs appear to most prevent 'unbanked' individuals from establishing conventional accounts''; and (2) ''what is a fair estimate of the size and worth of the ''unbanked'' market in the United States.'' The National Survey of Unbanked and Underbanked Households is designed to address these factors and provide a factual basis on the proportions of unbanked households. Such a factual basis is necessary to adequately assess banks' efforts to serve these households as required by the statutory mandate. The National Survey of Unbanked and Underbanked Households is the only population-representative survey conducted at the national level that provides state-level estimates of the size and characteristics of unbanked and underbanked households for all 50 states and the District of Columbia.

The FDIC supplement collects nationally-representative data, not otherwise available, to measure and track economic inclusion, and assess the accessibility and sustainability of banking relationships. The survey identifies different banking status groups, including unbanked and underbanked consumers. In identifying underbanked consumers, the FDIC considers households that have bank accounts but also substantially rely on nonbank financial services to meet basic financial needs such as receiving income, paying bills, saving and storing money, and accessing basic consumer credit. There is an emphasis on services that are disproportionately relied on by the unbanked, and are provided by a company or firm, as opposed to those accessed informally through individuals. The survey captures the use of a range of bank and nonbank products, and other data to help assess the reasons why some households do not make greater use of mainstream banking services.

To obtain this information, the FDIC partners with the U.S. Census Bureau, which administers the Household Survey supplement (''FDIC Supplement') to households that participate in the CPS. The supplement has been administered every other year since January 2009. The previous survey questionnaires and survey results can be accessed through the following link: *http://www.economicinclusion.gov/surveys/.*

Consistent with the statutory mandate to conduct the surveys on an ongoing basis, the FDIC already has in place arrangements for conducting the sixth Household Survey as a supplement to the June 2019 CPS.

However, prior to finalizing the next survey questionnaire, the FDIC seeks to solicit public comment on whether changes to the existing instrument are desirable and, if so, to what extent. It should be noted that, as a supplement of the CPS survey, the Household Survey needs to adhere to specific parameters that include limits in the length and sensitivity of the questions that can be asked of CPS respondents. Interested members of the public may obtain a copy of the proposed survey questionnaire on the following web page: *https://www.fdic.gov/regulations/laws/federal/2018/2019-draft-household-survey-questionnaire.pdf*

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collections, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, on November 1, 2018.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2018–24228 Filed 11–5–18; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL TRADE COMMISSION

[File No. 171 0068]

Linde AG and Praxair, Inc.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the complaint and the terms of the consent orders—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before November 21, 2018.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write: ''Linde AG and Praxair, Inc.; File No. 1710068'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/praxairlindedivest/* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''Linde AG and Praxair, Inc.; File No. 1710068'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Jordan S. Andrew (202–326–3678), Bureau of Competition, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for October 22, 2018), on

the World Wide Web, at *https://www.ftc.gov/news-events/commission-actions.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before November 21, 2018. Write ''Linde AG and Praxair, Inc.; File No. 1710068'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission website, at *https://www.ftc.gov/policy/public-comments.*

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/praxairlindedivest/* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that website.

If you prefer to file your comment on paper, write ''Linde AG and Praxair, Inc.; File No. 1710068'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC website at *https://www.ftc.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC website at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before November 21, 2018. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

Analysis of Proposed Consent Order To Aid Public Comment

I. Introduction

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an Agreement Containing Consent Orders (''Consent Agreement'') designed to remedy the anticompetitive effects resulting from the proposed merger of Praxair, Inc. (''Praxair'') and Linde AG (''Linde'').

Pursuant to the Consent Agreement, Linde will divest the following assets to Messer Group GmbH (''Messer''): Thirty-two air separation units (''ASUs''); sixteen carbon dioxide facilities; source contracts for nearly one billion cubic feet of helium, twelve helium transfill stations, and a helium purification facility; one liquid hydrogen production facility, as well as equipment, contracts, and related assets. Linde also will divest assets related to its excimer laser gas business to Messer.

Separately, Linde will divest five facilities that produce hydrogen and carbon monoxide (''HyCO'') for on-site customers, along with Linde's hydrogen pipeline in the Gulf Coast and related customer contracts, to Matheson Tri-Gas, Inc. (''Matheson''). Lastly, Linde will divest two additional HyCO plants to their respective owners. Linde will divest its HyCO plant in Clear Lake, Texas to Celanese Corporation (''Celanese'') and its HyCO plant in La Porte, Texas to LyondellBasell Industries N.V. (''LyondellBasell'').

Praxair and Linde have agreed to divest the required facilities and assets to the aforementioned buyers, or to alternative Commission-approved buyers, within 120 days after signing the Consent Agreement. Praxair and Linde will hold their businesses separate until they have accomplished the divestitures to Messer and Matheson. The divestiture of these facilities and related assets will preserve the competition between Praxair and Linde that the proposed merger would otherwise eliminate.

The proposed Consent Agreement will be on the public record for thirty days, so that interested persons may submit comments. Comments that the Commission receives during this period will become part of the public record. After thirty days, the Commission will again review the proposed Consent Agreement and the comments received, and will decide whether it should withdraw from the proposed Consent Agreement, modify it, or make final the accompanying Decision and Order.

II. The Transaction

On June 1, 2017, Linde and Praxair entered into an agreement and plan of merger, in a transaction valued at approximately $80 billion. Pursuant to the terms of their agreement, the parties will initiate a stock-for-stock exchange to form a new company under the Linde name with headquarters split between Danbury, Connecticut and Munich, Germany. The Commission's Complaint alleges that the proposed merger, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, by substantially lessening competition in the United States in markets for bulk liquid oxygen; bulk liquid nitrogen; bulk liquid argon; bulk liquid carbon dioxide; bulk liquid

hydrogen; bulk refined helium; on-site hydrogen; on-site carbon monoxide; and excimer laser gases.

III. The Parties

Praxair is an international industrial gas and surface technology company headquartered in Danbury, Connecticut. The company primarily serves industrial and specialty gas customers in manufacturing, metals, and chemicals industries. Praxair is the third-largest industrial gas supplier globally by revenue. In the United States, Praxair owns forty-one ASUs and twenty-eight carbon dioxide facilities. In 2017, Praxair's revenue totaled approximately $11.4 billion, about $5 billion of which derived from business in the United States.

Linde, headquartered in Munich, Germany, is a global supplier of industrial gases, homecare respiratory services, and engineering services to customers in the healthcare, chemicals, and energy industries. Linde is the second-largest global industrial gas supplier worldwide. In the United States, Linde owns thirty-two ASUs and thirty-five carbon dioxide facilities. In 2017, Linde generated approximately $20.2 billion in total revenue. Linde's 2017 U.S. revenue totaled approximately $4.4 billion, of which about $2.5 billion derived from its LinCare home healthcare business.

IV. The Relevant Markets for Bulk Liquid Oxygen, Bulk Liquid Nitrogen, and Bulk Liquid Argon

Oxygen, nitrogen, and argon are ''atmospheric gases,'' present in the Earth's atmosphere in varying amounts. Industrial gas suppliers like Linde and Praxair produce atmospheric gases for a range of customer applications and industries, such as oil and gas, steelmaking, health care, and food manufacturing. Oxygen, nitrogen, and argon are three of the most widely used atmospheric industrial gases. Each atmospheric gas has specific properties that make it uniquely suited for its respective applications. For most of these applications, there is no substitute for oxygen, nitrogen, or argon.

Suppliers distribute atmospheric gases to customers in different forms and methods, depending on the volume of gas that the customer requires. Customers that require extremely large volumes receive atmospheric gases from on-site ASUs located at their facilities, or via pipelines connecting ASUs to customer sites. Bulk customers require gas volumes that are substantial, but not large enough to justify on-site or pipeline gas delivery. For bulk customers, suppliers typically transport bulk liquid oxygen, bulk liquid nitrogen, or bulk liquid argon in cryogenic trailers that hold the gas in liquid form. The liquid form is more condensed than the gaseous form, and therefore easier to transport and store in large quantities. Bulk liquid gases are then stored in tanks located at customer sites. From there, customers can use the product in its liquid form, or convert it back to its gaseous form before use. Small-volume customers purchase nitrogen, oxygen, or argon in cylinders containing the product in gaseous form. Typically, smaller customers receive gas cylinders from distributors that purchase products from industrial gas suppliers in bulk liquid form. It is impractical for bulk liquid oxygen, bulk liquid nitrogen, or bulk liquid argon customers to switch distribution methods, as their demand is too great to satisfy efficiently with cylinders, but too small to justify the expense of on-site or pipeline delivery.

For atmospheric gases, the ratio of the product's value to its transportation costs largely determines the relevant geographic market. Due to the relatively low sales prices of bulk liquid oxygen and bulk liquid nitrogen and the significant freight costs associated with transporting them, these gases can ship, economically, a maximum distance of approximately 100 to 250 miles from the ASU that produces the gas. Therefore, it is appropriate to analyze the competitive effects of the proposed merger in regional geographic markets for bulk liquid oxygen and bulk liquid nitrogen. The relevant geographic markets in which to analyze the effects of the proposed merger upon bulk liquid oxygen and bulk liquid nitrogen are the following regions: (1) The Northeast; (2) the Mid-Atlantic; (3) Upstate and Western New York; (4) the Carolinas; (5) Northern Florida and Surrounding Areas; (6) Atlanta and Surrounding Areas; (7) the Pacific Northwest; (8) Northern California; (9) Southern California; (10) Arkansas and Surrounding Areas; (11) Northern Texas and Surrounding Areas; (12) Southern Texas; (13) the Central Gulf Coast; (14) the Eastern Midwest; (15) Greater Chicago; (16) Missouri and Surrounding Areas; and (17) Puerto Rico. Because bulk liquid argon is rarer and more expensive than bulk liquid oxygen and bulk liquid nitrogen, suppliers can transport it economically much greater distances. Therefore, the relevant geographic area in which to analyze the effects of the proposed merger on the bulk liquid argon market is the United States.

Each of the relevant markets for bulk liquid oxygen and bulk liquid nitrogen would become significantly more concentrated following the proposed merger. The proposed merger would consolidate two of the leading suppliers of bulk liquid oxygen and bulk liquid nitrogen in each of these areas. For bulk liquid argon, there are five significant suppliers in the United States. Praxair is the second-largest domestic producer of bulk liquid argon. The proposed merger would eliminate one of the largest suppliers and substantially increase concentration in the U.S. bulk liquid argon market, creating a highly concentrated market.

V. The Relevant Markets for Bulk Liquid Carbon Dioxide

Carbon dioxide is a ''process gas,'' which means that it is captured as a by-product of other manufacturing processes, such as ethanol, ammonia, and hydrogen. Crude carbon dioxide also derives from natural sources, such as natural gas wells. Suppliers convert and distill crude carbon dioxide into final liquid form using a cryogenic process at plants often located near carbon dioxide gas sources. The most common applications for liquid carbon dioxide are in food and beverage production. For example, customers commonly use carbon dioxide in processes to carbonate beverages and chill or freeze food. For the majority of its applications, liquid carbon dioxide has no viable substitutes.

Suppliers deliver liquid carbon dioxide to customers in bulk trailers or rail cars. Most customers store liquid carbon dioxide in tanks located at their manufacturing facilities. Customers would not switch to cylinder delivery because bulk delivery is far cheaper, and they would have to manage significantly more deliveries to meet their needs. In addition, customers would not consider self-sourcing liquid carbon dioxide unless the cost increased significantly more than ten percent, because of the costs to build necessary infrastructure and the limited sources of carbon dioxide available.

Due to the significant freight costs associated with transporting liquid carbon dioxide relative to its sales price, suppliers can only ship liquid carbon dioxide economically up to 250 miles by truck. In areas with few or no carbon dioxide sources, liquid carbon dioxide is shipped as much as 750 miles by rail. Therefore, it is appropriate to analyze the competitive effects of the proposed merger in regional geographic markets for bulk liquid carbon dioxide. For bulk liquid carbon dioxide, the relevant geographic markets in which to analyze the effects of the proposed merger include the following regions: (1)

Northern California; (2) Southern California; (3) the Southeast; (4) the Mid-Atlantic; (5) the Rocky Mountains; (6) the Plains; (7) Southern Texas; (8) the Eastern Midwest; and (9) Greater Chicago.

The proposed merger would combine the largest and third-largest suppliers of bulk liquid carbon dioxide in the United States. In each relevant geographic market for bulk liquid carbon dioxide, the merged firm would control a high share of capacity. Further, Linde and Praxair are the two closest suppliers for numerous customers across multiple relevant geographic markets, and the merger would eliminate a close constraint on pricing of bulk liquid carbon dioxide.

VI. The Relevant Market for Bulk Refined Helium

Both Linde and Praxair are suppliers of bulk refined helium. Bulk refined helium has specific properties that make it uniquely suited for its applications. For example, because helium has the lowest boiling point of any element, liquid helium is valuable as a cooling agent in superconductivity for medical applications, such as magnetic resonance imaging (''MRI''), and certain manufacturing applications. For most applications, there is no substitute for bulk refined helium, and customers are unlikely to switch to another gas or product, even if the price of bulk refined helium increased by five to ten percent.

Suppliers distribute refined helium to customers in cylinder form or bulk form, depending on the customers' volume requirements. Customers that require large volumes of refined helium generally purchase the gas in bulk form. Suppliers often package bulk refined helium in containers called ''dewars,'' and then distribute the product in liquid form to customers. For customers that require helium in its gaseous state, suppliers can convert bulk refined helium from liquid to gaseous form. Suppliers distribute bulk quantities of gaseous helium in high-pressure ''tube trailers.'' Customers obtain helium in bulk form because it is the most cost-effective way to purchase the high volume of refined helium that they require. Accordingly, customers would not switch distribution methods for their purchases of refined helium, even if the prices of bulk refined helium distributed by one method increased by five to ten percent.

Helium is a rare and expensive gas that can be, and is, transported economically on a worldwide basis. Capacity and demand for helium produced abroad influences the capacity and demand for helium produced domestically. Suppliers source helium primarily from a few large sources, and ship helium from those sources to customers around the world. Therefore, it is appropriate to analyze the competitive effects of the proposed merger using a worldwide market for bulk refined helium.

The market for bulk refined helium is highly concentrated. Linde and Praxair are two of only five companies in the world with access to significant quantities of bulk refined helium. The proposed transaction combines the largest and third-largest bulk refined helium suppliers in the world. Post-merger, the combined entity would control two-fifths of the global helium supply.

VII. The Relevant Market for Bulk Liquid Hydrogen

Hydrogen is a non-atmospheric gas produced as a by-product of other processes, including natural gas extraction and petrochemical production. Most crude hydrogen comes from third-party feedstocks. Industrial gas suppliers purify and liquefy crude hydrogen before distributing it to customers. Customers use liquid hydrogen for a range of applications across several industries. For example, liquid hydrogen has applications in space programs as a primary rocket fuel and as a propellant for nuclear powered rockets and space vehicles, in hydrogenation and clean energy storage, and as an active ingredient in chemical manufacturing processes.

Customers that require very large quantities of hydrogen on a regular basis typically receive the gas via an on-site plant or pipeline. For customers that require a small amount of hydrogen, cylinders are most economical. Customers that require more hydrogen than can be practicably supplied with cylinders, but not enough volume to justify the costs of on-site or pipeline delivery, typically receive bulk liquid delivery. For most applications, there are no viable economic alternatives to bulk liquid hydrogen. Further, because distribution methods depend on volume requirements, customers cannot switch to cylinders or on-site distribution if bulk prices were to increase.

The relevant geographic market for bulk liquid hydrogen is national. The value of bulk liquid hydrogen relative to the cost of transportation is the primary factor in defining the relevant geographic market. Liquid hydrogen's high value and limited production allows suppliers to transport it over long distances economically and more efficiently than hydrogen in bulk gaseous form.

Linde and Praxair are two of just four main suppliers of bulk liquid hydrogen in the United States. The U.S. bulk liquid hydrogen market is highly concentrated, and Praxair is the largest producer of bulk liquid hydrogen in the United States. The proposed merger would remove one of the few bulk liquid hydrogen suppliers from the market.

VIII. The Relevant Market For HyCO

HyCO is the industry term for the on-site provision of hydrogen and carbon monoxide gas. The same chemical process produces both gases, so one gas is always the by-product of the other. Plants that produce hydrogen and carbon monoxide create a mixture called synthesis gas (or ''syngas''), which producers separate into its constituent parts using a cryogenic process.

HyCO includes separate product markets for on-site hydrogen and carbon monoxide, because the two gases are not substitutes for each other. For most applications, there are no viable substitutes for hydrogen or carbon monoxide. Likewise, customers cannot substitute bulk delivery for on-site supply of hydrogen or carbon monoxide, and so on-site supply of these gases is a distinct product market, as well.

There are three main types of HyCO plants: (1) The steam methane reformer (''SMR''); (2) the partial oxidation plant (''POX''); and (3) the autothermal reformation plant (''ATR''). Each plant type produces different proportions of hydrogen and carbon monoxide. SMRs produce the highest proportion of hydrogen relative to carbon monoxide. POX and ATR plants produce these gases in more equal proportions. For most on-site hydrogen customers, suppliers build on-site SMRs; however, for customers that need on-site carbon monoxide, suppliers will typically construct POX or ATR plants. On-site HyCO customers usually conduct a competitive bidding process several years in advance of a plant's opening. This bidding process is the source of most competition in the HyCO market. The customer and winning bidder typically enter into long-term contracts that lock-in prices and other terms.

The majority of HyCO plants in the United States are SMRs built for oil and petrochemical companies that only require hydrogen. Carbon monoxide customers are few in number, but large in size and gas needs—most are chemical companies that produce acetic acid, polyurethane, and other compounds. HyCO plants are expensive, costing from $30 million to over $400

million, depending on size and type. The industrial gas supplier usually absorbs the cost of building the plant, and then yields the return from a long-term (fifteen to twenty year) supply contract with the customer. HyCO is a critical input for its customers' products, and HyCO plants often integrate into customers' production sites. Accordingly, HyCO customers require suppliers to have engineering and operational expertise, as well as a demonstrated history and reputation of successfully operating HyCO plants.

Relevant geographic markets for on-site hydrogen and carbon monoxide are national. HyCO suppliers are generally able to serve customers in all areas of the country. The Gulf Coast region is a distinct submarket within the broader national markets for on-site hydrogen and carbon monoxide, as it has the highest concentration of HyCO customers anywhere in the United States. There, hydrogen pipelines serve multiple customers from a single HyCO plant or serve as backup. Hydrogen pipelines allow HyCO suppliers to offer customers lower prices than they could with a dedicated on-site plant at the customer's location. Consequently, HyCO suppliers are only competitive in areas of the Gulf Coast where they have hydrogen pipeline networks.

U.S. markets for on-site hydrogen and carbon monoxide are highly concentrated. Praxair is a market leader, and Linde represents one of a limited number of viable alternative HyCO suppliers. The proposed merger would remove one of the few HyCO suppliers from the market.

IX. The Relevant Market for Excimer Laser Gases

Excimer laser gases are a subset of specialty gases commonly used to serve customers in the electronics industry, such as semiconductor or liquid crystal display manufacturers. Excimer lasers use gas mixtures, typically containing multiple noble gases (*e.g.,* neon, krypton, or xenon) and, occasionally, a halogen gas (*e.g.,* fluorine or chlorine). Suppliers of excimer laser gases produce or source noble and halogen gases worldwide, then purify and blend these gases into products that they distribute to customers in cylinders. Neon comprises 95 to 99 percent of most excimer laser gases, with other rare and halogen gases making up the remainder. Neon, krypton, and xenon are present in the air in extremely small amounts, and industrial gas companies produce them only at very large ASUs with specialized equipment to capture these trace gases.

The semiconductor industry is the main customer base for excimer laser gases in the United States. Excimer laser gases generate ultraviolet light in excimer lasers, a component of photolithography machines. In addition, excimer laser gases have applications in annealing processes to produce display screens and for medical ablation, a minimally invasive process that cuts human tissue with minimal scarring (*e.g.,* LASIK vision surgery).

The relevant geographic market for excimer laser gases is at least as broad as the United States. U.S. suppliers ship excimer laser gases to customer sites around the country and the world. Suppliers source excimer laser gas inputs, such as neon, domestically and internationally. Although international customers may not distinguish between excimer laser gases produced domestically or abroad, U.S. excimer laser gas customers prefer suppliers that have domestic production facilities and sources of neon.

Before supplying excimer laser gases to customers, suppliers must complete qualification processes with both laser manufacturers and individual customers to ensure that their excimer laser gases meet purity, quality, and other specifications. Each qualification takes three to eighteen months, and costs at least $125,000. Customers cannot switch from excimer laser gases to another product because there is no substitute that produces the same wavelength of light, and switching to another supplier often requires additional qualifications, resources, and time.

The market for excimer laser gases in the United States is highly concentrated. Linde and Praxair have a combined share of approximately 70 percent in this market, and the proposed merger would reduce the number of domestic suppliers from four to three.

X. Effects of the Acquisition

The proposed merger would eliminate direct and substantial competition between Praxair and Linde in each of the relevant markets, provide the merged firm with an enhanced ability to increase prices unilaterally, and eliminate a competitor for gas customers in markets where alternative sources of supply are limited. The proposed merger, therefore, likely would allow the merged firm to exercise market power unilaterally, increasing the likelihood that purchasers of bulk liquid oxygen, bulk liquid nitrogen, bulk liquid argon, bulk liquid carbon dioxide, bulk liquid hydrogen, bulk refined helium, on-site hydrogen, on-site carbon monoxide, and excimer laser gases would pay higher prices in the relevant areas.

The proposed merger would also enhance the likelihood of collusion or coordinated action among remaining firms in these relevant markets, because the merger would eliminate a significant competitor from each market, leaving a small number of viable competitors. In addition, certain market conditions, such as the relative homogeneity of suppliers and products, and the transparency of detailed market information, are conducive to coordination among competing suppliers. These conditions also enhance the ability of competitors engaged in a coordinated scheme to detect and punish deviations from the scheme.

XI. Entry

New entry into the relevant markets would not occur in a timely manner sufficient to deter or counteract the likely adverse competitive effects of the proposed merger. Entry into the bulk liquid oxygen, nitrogen, and argon markets is costly, difficult, and unlikely because of, among other things, the time and cost required to construct the ASUs that produce these products. Constructing an ASU at a scale sufficient to be viable in the market would cost at least $30 to $100 million, most of which are sunk costs. Moreover, it is not economically justifiable to build an ASU unless a significant amount of the plant's capacity has been pre-sold prior to construction, either to an on-site customer or to customers with commitments under contract. Such pre-sale opportunities occur infrequently and unpredictably and can take several years to secure.

Entry into the bulk liquid carbon dioxide market would also not be timely, likely, or sufficient to deter or counteract the adverse competitive effects of the proposed merger. Constructing a plant capable of producing bulk liquid carbon dioxide would cost at least $5 to $30 million. In addition, successful entry into the bulk liquid carbon dioxide market requires access to raw carbon dioxide supply sources, which are typically unavailable due to long-term contracts with incumbent liquid carbon dioxide suppliers.

New entry into the bulk liquid hydrogen market is unlikely to be timely or sufficient to counteract the proposed transaction's likely anticompetitive effects. Liquid hydrogen production facilities require years to construct and considerable capital to finance. Further, customers require liquid hydrogen suppliers to have backup supply and be

able to deliver product to their sites. A firm is more likely to succeed if it has a portfolio of diversified liquid hydrogen sources, as well as a reliable distribution network, which would require substantial time, resources, and investments to obtain.

Timely, sufficient entry into the bulk refined helium market is extremely unlikely, if not impossible. The most significant impediment to entry is securing a source of refined helium. A new entrant would need to secure multiple sources of refined helium, acquire necessary transportation and storage equipment, and establish a distribution infrastructure. Market incumbents secure all available sources of refined helium in long-term contracts. A new entrant would need to locate a new source of crude helium and build a refinery. In addition, an entrant would need to invest tens of millions of dollars to acquire necessary infrastructure and distribution assets, including transfills, cryogenic storage trailers, high-pressure tube trailers, and liquid dewars capable of transporting helium from the refinery to customers. Given the substantial costs and challenges of entering the bulk refined helium market, new entry sufficient to counteract the competitive effects of the proposed merger would not occur in a timely manner.

Entry into the HyCO market requires engineering expertise, experience in designing and operating the various types of HyCO plants, significant capital resources, and a proven record of success with HyCO customers. It would take several years and substantial investments for a new entrant to develop the expertise, experience, reputation, and credibility necessary to compete in the HyCO market. A new HyCO facility costs $30 to $300 million, depending on the plant size and product mix. Further, in the Gulf Coast, a hydrogen pipeline is an added barrier to enter the HyCO market. Existing pipelines are scarce in this region, and building a new pipeline requires substantial time and resources that few firms have. Finally, opportunities to compete for new or existing HyCO customers are limited, as HyCO supply contracts are long-term, and customers invariably award contracts to proven suppliers.

New entry sufficient to deter or avert the proposed merger's anticompetitive effects in the market for excimer laser gases is unlikely to occur. The principal barrier to new entry is sourcing neon, which accounts for just 0.0018 percent of the Earth's atmosphere. Suppliers can produce neon efficiently only at the largest ASUs, which must have a neon gas column. Such an ASU would take several years and cost hundreds of million dollars to construct. In addition, an entrant would have to produce or otherwise secure other input gases, as well as supply, logistics, and distribution infrastructure and employees. An entrant would also have to construct a facility to blend excimer laser gases. Finally, an entrant would have to qualify its products with laser manufacturers and customers, which involves testing gas blends at a customer plants. The costs of entry would be difficult to justify, as the total U.S. excimer laser gas market is only around $40 million.

XII. The Consent Agreement

The proposed Consent Agreement aims to eliminate the competitive concerns that the proposed merger raises in each relevant market. It requires Linde to divest to Messer all thirty-two of its U.S. ASUs, along with related equipment, supply contracts, technology, and goodwill, in the seventeen bulk liquid oxygen and nitrogen markets at issue in this matter. With the divestitures, the merger will not increase concentration in any market for bulk liquid nitrogen, oxygen, or argon. As part of the divestiture, Messer will acquire all of Linde's customer contracts and bulk tanks located at the customer locations.

The proposed Consent Agreement also requires Linde to divest to Messer sixteen carbon dioxide facilities, including production plants and all associated rail depots. Linde will divest all existing contracts with customers supplied by the respective carbon dioxide facilities. Additionally, all assets used to support the distribution of bulk liquid carbon dioxide will be part of the divestiture, including trailers, tractors, and rail cars.

Linde must also divest to Messer its entire bulk liquid hydrogen business, which includes Linde's liquid hydrogen production facility in Magog, Quebec, source agreements, and four hydrogen transfills. Linde will divest all assets related to the bulk liquid hydrogen business including, among other things, employee contracts and information, customer and supply contracts, leases, distribution trailers, and equipment necessary to distribute bulk liquid hydrogen.

The proposed Consent Agreement requires Linde to divest to Messer all of Linde's U.S. bulk refined helium business, as well as global helium sourcing contracts, which, when combined with divestitures in other jurisdictions, are equal to Praxair's current worldwide helium capacity. In addition, Linde will divest its entire network of helium transfills across the United States. All of Linde's helium customer contracts in the United States, Canada, Brazil, Colombia, and Chile are included in the divestiture. The proposed Consent Agreement also provides Messer with the requisite number of dewars, tube trailers, and helium ISO containers to serve its helium customers worldwide.

The proposed Consent Agreement also requires Linde to divest to Matheson five on-site hydrogen SMRs to Matheson, along with Linde's hydrogen pipeline in the Gulf Coast and all relevant customer contracts. The proposed divestiture includes Linde's SMR facilities in Anacortes, Washington; Lemont, Illinois; Lima, Ohio; McIntosh, Alabama; and Saraland, Alabama. The SMR assets also include Linde's Remote Operating Center in La Porte, Texas, the ''control center'' for Linde's on-site hydrogen business. In addition, Linde will divest its POX plants in Clear Lake, Texas, and La Porte, Texas, back to their customers, Celanese and LyondellBasell, respectively. This divestiture will resolve the competitive issues that these customers would otherwise face post-merger, as they will be able operate the facilities themselves or contract with one of the firms with a nearby hydrogen pipeline.

To address competitive concerns in the market for excimer laser gases, the proposed Consent Agreement also requires Linde to divest to Messer all of Linde's customer contracts, intellectual property, and key Linde staff to sustain business operations and customer relationships. Neon-producing ASUs will also be included in the asset package. To ensure a seamless transfer, Linde has agreed to supply its finished excimer laser gas products to Messer for a period of three years (with possible extensions of time). This supply agreement will give Messer sufficient time to construct or renovate a facility and obtain OEM and customer certification. The proposed Decision and Order also requires Linde to underwrite the cost of building Messer's new facility. If Messer does not commence construction of the plant within one year, then Linde must rescind its sale of the excimer laser gas business to Messer and divest it to a Commission-approved acquirer.

Linde and Praxair have agreed to divest the required facilities, together with all related equipment, customer and supply contracts, technology, and goodwill, to one or more Commission-approved buyers within four months of consummating the proposed merger. All acquirers of divested assets must receive

the prior approval of the Commission. The Commission's goal in evaluating possible purchasers of divested assets is to maintain the competitive environment that existed prior to the acquisition.

The proposed Consent Agreement incorporates an Order to Hold Separate and Maintain Assets (''Order to Hold Separate'') to ensure that Linde and Praxair (1) continue to operate separately until the divestitures to Messer and Matheson have been completed and (2) continue to maintain all assets until the required divestitures have been completed. The Order to Hold Separate appoints Grant Thornton LLP as monitor to oversee compliance with all the obligations and responsibilities under the proposed Decision and Order and requires Linde to execute an agreement conferring upon the monitor all of the rights, powers, and authorities necessary to permit the monitor to ensure the continued health and competitiveness of the divested businesses. Further, if the parties fail to divest the assets as required within the time specified, the Commission may appoint a divestiture trustee to divest the assets in a manner consistent with the proposed Decision and Order and subject to Commission approval.

The purpose of this analysis is to facilitate public comment on the proposed Consent Agreement, and it is not intended to constitute an official interpretation of the proposed Consent Agreement or to modify its terms in any way.

By direction of the Commission, Commissioner Chopra dissenting.

Donald S. Clark,

Secretary.

Statement of Commissioner Rohit Chopra

Today, the FTC is proposing to impose conditions on a merger between Praxair, Inc. (NYSE: PX) and Linde AG (FWB: LIN), the world's second- and third-largest industrial gas suppliers. While these firms may not be household names, they provide inputs to an enormous number of industrial and consumer products throughout our economy. The merger would be clearly anticompetitive in violation of the Clayton Act, with a high likelihood of harming manufacturers of a wide range of industrial and consumer products.

The Commission is proposing to order substantial divestitures across multiple lines of businesses. Notably, Linde is divesting the vast majority of its U.S. industrial gas business to a joint venture between Messer Group GmbH and CVC Capital Partners, a private equity firm. Separately, Linde will also divest other assets to Matheson Tri-Gas, Inc. While the divestitures go a long way to address the anticompetitive concerns, the decision to approve this remedy was still a close call.

The transaction, as originally structured, does not appear to have any significant merger-specific efficiencies that would guarantee benefits to customers. However, the proposed order requires substantial divestitures that might preserve or even increase competition in some product markets. But even with the proposed remedies, this transaction is not without risks to competition. In particular, I would have preferred to include additional protections for the public to safeguard against risks often posed by the private equity buyer interest in the divested assets, as well as the level of debt financing and investment horizons involved.

Divestiture Buyer Financing

Competition enforcers, including the FTC, should always examine whether its merger remedies have been successful over the long term. The FTC's 2017 Merger Remedies study highlighted some of the lessons learned from past merger remedies.[1]

When evaluating the suitability of a divestiture buyer, agencies must determine whether the buyer can meaningfully replace competitive market forces eliminated by a merger. For example, agencies need to be confident that the buyer possesses the know-how and technical capabilities to successfully operate the divested businesses. Among other things, the 2017 study found that the success of a divestiture over time depends, in part, on whether the buyer has adequate financing to ensure success. Given recent trends in our capital markets, we need to carefully scrutinize buyer financing.

In situations like the matter before us, I approached this line of inquiry with several questions in mind:

(1) Does the deal's financing structure allow the buyer to make significant investments to maintain and grow their business in order to vigorously compete? Does the buyer have adequate liquidity to be a nimble and opportunistic competitor?

(2) What is the buyer's level of debt financing, compared to others in the industry? Have creditors protected themselves in ways that are aligned—or misaligned—with the goal of preserving competition?

(3) Does the buyer's financing and governance structure create temptations to make asset sales that would reduce competition?

As noted above, in this matter one of the divestiture buyers, MG Industries, is a new joint venture between Messer Group GmbH, a major industrial gas company, and CVC Capital Partners, a private equity firm.

In this situation, I would have preferred terms in the proposed order that would have required prior notice to or approval by the Commission of any asset sales by MG Industries. There is past Commission precedent for doing so. In situations where there was a risk that the divestiture buyer may subsequently sell assets it acquired pursuant to a divestiture order, the Commission has sometimes ordered the divestiture buyer to agree to a prior approval provision covering any sale of the assets acquired for a defined period of time.

For example, in the Koninklijke Ahold and Delhaize Group matter, due to concern that one of the divestiture buyers (Supervalu) might later transact acquired stores, the Commission required Supervalu to seek prior approval for any such transfer of the divested stores for a period of three years.[2]

In the Nestle Holdings, Inc. and Ralston Purina Co. matter, the Commission required the divestiture buyer (a private equity fund) to seek approval by the Commission prior to the sale of certain assets held less than five years.[3] The buyer would later seek permission from the Commission to sell assets, reducing the likelihood of needing to litigate an anticompetitive transaction.

Special Considerations With Financial Buyers

Private equity funds continue to play a greater role in deal activity across the globe. Notably, private equity participation is associated with higher levels of debt financing, which can amplify both risk and returns on equity. At the most basic level, heavy debt

[1] *See* The FTC's Merger Remedies 2006–2012, A Report of the Bureaus of Competition and Economics, Federal Trade Commission, January 2017, *available at: https://www.ftc.gov/reports/ftcs-merger-remedies-2006-2012-report-bureaus-competition-economics.*

[2] In the Matter of Koninklijke Ahold and Delhaize Group, C–4588 (Consent) (July 22, 2016), available at: *https://www.ftc.gov/enforcement/cases-proceedings/151-0175/koninklijke-ahold-delhaize-group.*

[3] In the Matter of Nestle Holdings, Inc., and Ralston Purina Company, C–4028 (Consent) (December 11, 2001), available at: *https://www.ftc.gov/enforcement/cases-proceedings/0110083/nestle-holdings-inc-ralston-purina-company.*

burdens can increase the likelihood of insolvency. Private equity participation is also associated with other firm behavior that can reduce long-term competition, including opportunistic asset sales. This risk may be more acute when funds purchase assets in unusual and distressed situations.

Enforcers must carefully examine investors' unique incentives that can drive firm behavior in ways that affect competition. To assess these incentives, we must always actively probe the entire circumstances of investor involvement in a merger transaction under review. For example, what is the buyer's investment thesis and strategy? How has the investor typically realized gains out of past investments? Does the buyer plan to invest more of its own equity capital into the business or simply further rely on debt financing? When and how does the investor intend to exit its investment? Given all of this, what really is the long-term impact on competition?

While Commission staff certainly ask many of these questions in their review of divestiture buyers, it will be important to ensure that we are conducting careful and adequate due diligence with respect to buyers that are heavily reliant on debt financing and where investment firms exert significant control.

[FR Doc. 2018–24206 Filed 11–5–18; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

[File No. 162 3197]

Social Finance, Inc.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis to Aid Public Comment describes both the allegations in the complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before November 28, 2018.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write: ''Social Finance, Inc.; File No. 1623197'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/socialfinanceconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''Social Finance, Inc.; File No. 1623197'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), Washington, DC 20580; or deliver your comment to: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Evan Zullow (202–326–2914), Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for October 29, 2018), on the World Wide Web, at *https://www.ftc.gov/news-events/commission-actions.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before November 28, 2018. Write ''Social Finance, Inc.; File No. 1623197'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Website, at *https://www.ftc.gov/policy/public-comments.*

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/socialfinanceconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that website.

If you prefer to file your comment on paper, write ''Social Finance, Inc.; File No. 1623197'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), Washington, DC 20580; or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC Website at *http://www.ftc.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC Website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC

Website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC Website at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before November 28, 2018. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an agreement containing a consent order from Social Finance, Inc. and SoFi Lending Corp. (collectively ''SoFi'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

SoFi is an online lender that offers, among other credit products, student loan refinancing. The Commission's proposed complaint alleges that SoFi makes savings claims that, as detailed below, misrepresent how much money students have saved, will save, or will likely save by refinancing their student loans with SoFi.

SoFi has prominently advertised that consumers who refinance their loans with SoFi have saved large average amounts of money over the lifetime of those loans or each month. These claims overstate consumers' average savings. SoFi's calculations of its members' average savings selectively excludes large categories of consumers who would likely pay more money, instead of saving. Specifically, when SoFi calculates its members' average lifetime savings it excludes all consumers who refinance into longer term loans, most of whom actually pay more over the lifetime of the loan. Further, when SoFi calculates its members' average monthly savings it excludes all consumers who refinance into shorter term loans, most of whom actually pay more on a monthly basis. As a result, SoFi's representations significantly inflate the average savings consumers have actually achieved—sometimes even doubling the actual savings.

Additionally, when a consumer submits an application to refinance his or her student loan(s) and is presented with loan options, SoFi misrepresents that the consumer will save zero dollars when the consumer is actually expected to lose money. Specifically, if, for a fixed rate loan option, the consumer is expected to lose money over the lifetime of the loan, then SoFi falsely states that the consumer's lifetime savings will be ''$0.00.'' Likewise, if a consumer is expected to pay more on a monthly basis for a given loan option, then SoFi falsely states that the consumer's monthly savings will be ''$0.00.''

The proposed order will prevent SoFi from engaging in similar acts or practices. Part I.A. would prohibit SoFi from misrepresenting that consumers who obtain a credit product have saved, will save, or will likely save money, or a specific amount of money, over the lifetime of a credit product or over any other time period (*e.g.,* monthly), including by representing that the amount of money saved over a specific time period will be zero when consumers will instead pay more money over that specific time period. Part I.B. would also prohibit SoFi from making any of the savings claims covered by Part I.A., unless those claims are substantiated with competent and reliable evidence. Part I.C. would prohibit SoFi from misrepresenting any other material fact about the performance, benefits, or characteristics of any credit product when making a savings claim covered by Part I.A.

Parts II through VI of the proposed order are reporting and compliance provisions. Part II is an order distribution provision that requires SoFi to provide the order to current and future principals, officers, and corporate directors, as well as current and future managers, employees, agents and representatives who participate in certain duties related to the subject matter of the proposed complaint and order, and to secure statements acknowledging receipt of the order. Part III requires SoFi to submit a compliance report one year after the order is entered. It also requires SoFi to notify the Commission of corporate changes that may affect compliance obligations within 14 days of such a change.

Part IV requires SoFi to maintain and upon request make available certain compliance-related records, including certain consumer complaints and unique advertisements. Part V requires SoFi to submit additional compliance reports within 10 business days of a written request by the Commission. Part VI is a provision ''sunsetting'' the order after twenty (20) years, with certain exceptions.

The purpose of this analysis is to aid public comment on the proposed order. It is not intended to constitute an official interpretation of the complaint or proposed order, or to modify in any way the proposed order's terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

Statement of Commissioner Rohit Chopra

Today, the Federal Trade Commission has issued for public comment a settlement with SoFi, an online student lender. According to the FTC's complaint, SoFi's widely disseminated advertisements have significantly exaggerated the average savings that student loan borrowers achieve when they refinance through the company. These advertisements were deceptive and I agree that SoFi's actions were unlawful, so I have voted in favor.

Our proposed resolution does not require SoFi to pay any money whatsoever for this misconduct. Ideally, SoFi would pay civil penalties for violating the law. Due to limitations in the FTC's authority, the agency cannot seek civil penalties in matters like these. However, the Consumer Financial Protection Bureau and the State Attorneys General would be able to seek penalties from SoFi under existing federal law.[1]

In future matters where we are unable to obtain monetary remedies, we should carefully consider whether partnering with other law enforcement agencies can lead to better results for consumers and deter bad actors from violating the law.

[FR Doc. 2018–24207 Filed 11–5–18; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

Privacy Act of 1974; System of Records

AGENCY: Federal Trade Commission (FTC).

[1] SoFi's alleged misconduct likely violated both the Federal Trade Commission Act's ban on unfair or deceptive practices and the Consumer Financial Protection Act's (CFPA) prohibition on unfair, deceptive, or abusive practices by those who offer or provide a consumer financial product or service. With some exceptions, States can enforce the CFPA and obtain remedies available under it. *See* 12 U.S.C. 5552(a).

ACTION: Notice of modified systems of records; correction.

SUMMARY: The FTC is making non-substantive technical corrections to Appendix I, which lists the authorized disclosures and routine uses applicable to all FTC Privacy Act systems of records. This action makes the notices for these systems of records clearer, more accurate, and up-to-date.

DATES: This modified systems of records shall become final and effective on November 6, 2018.

FOR FURTHER INFORMATION CONTACT: G. Richard Gold and Alex Tang, Attorneys (202–326–2424), Office of the General Counsel, FTC, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: To inform the public, the FTC publishes in the **Federal Register** and posts on its website a ''system of records notice'' (SORN) for each system of records that the FTC currently maintains within the meaning of the Privacy Act of 1974, as amended, 5 U.S.C. 552a (''Privacy Act'' or ''Act''). See *https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems.* The Privacy Act protects records about individuals in systems of records collected and maintained by Federal agencies. (A system is not a ''system of records'' under the Act unless the agency maintains and retrieves records in the system by the relevant individual's name or other personally assigned identifier.) Each Federal agency, including the FTC, must publish a SORN that describes the records maintained in each of its Privacy Act systems, including the categories of individuals that the records in the system are about, where and how the agency maintains these records, and how individuals can find out whether an agency system contains any records about them or request access to such records, if any. The FTC, for example, maintains 40 systems of records under the Act. Some of these systems contain records about the FTC's own employees, such as personnel and payroll files, while other FTC systems contain records about members of the public, such as public comments, consumer complaints, or phone numbers submitted to the FTC's Do Not Call Registry.

The FTC's SORNs discussed in this notice apply only to the FTC's own Privacy Act record systems. They do not cover Privacy Act records that other Federal agencies may collect and maintain in their own systems. Likewise, the FTC's SORNs and the Privacy Act of 1974 do not cover records that private businesses or other non-FTC entities may collect about individuals, which may be covered by other privacy laws.

On June 12, 2008, the FTC republished and updated all of its SORNs, describing all of the agency's systems of records covered by the Privacy Act in a single document for ease of use and reference. 73 FR 33592. To ensure the SORNs remain accurate, FTC staff reviews each SORN on a periodic basis. As a result of this systematic review, the FTC made revisions to several of its SORNs on April 17, 2009 (74 FR 17863), August 27, 2010 (75 FR 52749), February 23, 2015 (80 FR 9460), and November 2, 2017 (82 FR 50871).

Based on a periodic review of its SORNs, the FTC is publishing two technical non-substantive revisions to Appendix I, which lists the routine uses that apply to all FTC SORNs. First, the FTC is updating the number of routine uses stated in the Appendix from ''(23)'' to ''(24).'' This conforming amendment was inadvertently omitted when the FTC, following Office of Management and Budget guidance, added a new routine use to this Appendix, relating to data breach notification, earlier this year. See 83 FR 39095 (Aug. 8, 2018). Second, the FTC is removing the current reference in the Appendix to the ''General Accounting Office'' and, in its place, adding that agency's current name, the ''Government Accountability Office'' (GAO). This correction reflects the change in GAO's legal name made by Congress several years ago, Public Law 108–271, 118 Stat. 811 (2004). In the same legislation, Congress made a conforming amendment to the Privacy Act of 1974 to authorize disclosures of Privacy Act records to the ''Government Accountability Office.'' See 5 U.S.C. 552a(b)(10).

The FTC is not substantively adding or amending any routine uses of its Privacy Act system records. The corrections to Appendix I described above are purely technical, and do not in any way modify the legal intent, operation, or effect of the routine uses set forth in that Appendix. Accordingly, the FTC is not required to provide prior public comment or notice to OMB or Congress for these technical amendments, which are final upon publication. See U.S.C. 552a(e)(11) and 552a(r); OMB Circular A–108, supra.

The FTC is reprinting the entire text of Appendix I for the public's benefit and convenience, to read as follows:

APPENDIX I

AUTHORIZED DISCLOSURES AND ROUTINE USES APPLICABLE TO ALL FTC PRIVACY ACT SYSTEMS OF RECORDS

The Privacy Act allows the FTC to disclose its Privacy Act records in the following ways:

(1) Within the FTC, to FTC officers and employees who need the record to perform their duties;

(2) In response to a request for public disclosure under the Freedom of Information Act (FOIA);

(3) For any ''routine use'' compatible with the purpose for which the record was collected, as set forth in each system of records notice and in paragraphs (13)–(24) of this Appendix below;

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity under title 13 of the United States Code;

(5) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives and Records Administration as a record having sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Archivist of the United States or the designee of the Archivist to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(9) To either House of Congress, or, to the extent of a matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the Government Accountability Office;

(11) Under an order of a court of competent jurisdiction; and

(12) To a consumer reporting agency, when trying to collect a claim of the Government, in accordance with 31 U.S.C. 3711(e).

In addition, in accordance with paragraph (3) above, the ''routine uses'' set forth in paragraphs (13) through (24) below shall apply to all records in all FTC Privacy Act systems of records. Specifically, such records:

(13) Where appropriately incorporated into the records maintained in FTC–II–6 (Discrimination Complaint System–FTC), may be disclosed under the routine uses published for that system;

(14) May be disclosed to the National Archives and Records Administration for records management inspections conducted under authority of 44 U.S.C. 2904 and 2906;

(15) May be disclosed to other agencies, offices, establishments, and authorities, whether federal, state, local, foreign, or self-regulatory (including, but not limited to organizations such as professional associations or licensing boards), authorized or with the responsibility to investigate, litigate, prosecute, enforce, or implement a statute, rule, regulation, or order, where the record or information by itself or in connection with other records or information:

(a) Indicates a violation or potential violation of law, whether criminal, civil, administrative, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, or

(b) Indicates a violation or potential violation of a professional, licensing, or similar regulation, rule, or order, or otherwise reflects on the qualifications or fitness of an individual who is licensed or seeking to be licensed;

(16) May be disclosed to any source, private or governmental, to the extent necessary to secure from such source information relevant to and sought in furtherance of a legitimate investigation or audit;

(17) May be disclosed to any authorized agency component of the Federal Trade Commission, Department of Justice, or other law enforcement authorities, and for disclosure by such parties:

(a) To the extent relevant and necessary in connection with litigation in proceedings before a court or other adjudicative body, where (i) the United States is a party to or has an interest in the litigation, including where the agency, or an agency component, or an agency official or employee in his or her official capacity, or an individual agency official or employee whom the Department of Justice has agreed to represent, is or may likely become a party, and (ii) the litigation is likely to affect the agency or any component thereof; or

(b) To obtain advice, including advice concerning the accessibility of a record or information under the Privacy Act or the Freedom of Information Act;

(18) May be disclosed to a congressional office in response to an inquiry from that office made at the written request of the subject individual, but only to the extent that the record would be legally accessible to that individual;

(19) May be disclosed to debt collection contractors for the purpose of collecting debts owed to the government, as authorized under the Debt Collection Act of 1982, 31 U.S.C. 3718, and subject to applicable Privacy Act safeguards;

(20) May be disclosed to a grand jury agent pursuant either to a federal or state grand jury subpoena, or to a prosecution request that such record be released for the purpose of its introduction to a grand jury, where the subpoena or request has been specifically approved by a court;

(21) May be disclosed to the Office of Management and Budget (OMB) for the purpose of obtaining advice regarding agency obligations under the Privacy Act, or in connection with the review of private relief legislation pursuant to OMB Circular A–19;

(22) To appropriate agencies, entities, and persons when (a) the FTC suspects or has confirmed that there has been a breach of the system of records; (b) the FTC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the FTC (including its information systems, programs, and operations), the Federal Government, or national security; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the FTC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(23) To another Federal agency or Federal entity, when the FTC determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (a) responding to a suspected or confirmed breach or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

(24) May be disclosed to FTC contractors, volunteers, interns or other authorized individuals who have a need for the record in order to perform their officially assigned or designated duties for or on behalf of the FTC.

The routine uses contained in this Appendix are in addition to any routine uses contained in the system of records notice (SORN) for each FTC Privacy Act records system. Some of the authorized disclosures and routine uses may overlap with one another. The FTC will treat a routine use as valid and still in effect, even if an overlapping routine use or disclosure is partly or fully invalidated or repealed.

Heather Hippsley,

Deputy General Counsel.

[FR Doc. 2018–24226 Filed 11–5–18; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substance and Disease Registry

[60Day–19–0048; Docket No. ATSDR–2018–0009]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Agency for Toxic Substance and Disease Registry, Department of Health and Human Services (HHS)

ACTION: Notice with comment period.

SUMMARY: The Agency for Toxic Substance and Disease Registry, as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled ATSDR Exposure Investigations (EIs) (OMB Control No. 0923–0048, Expiration Date 3/31/2019)—Extension—Agency for Toxic Substances and Disease Registry (ATSDR). To evaluate public health issues at a site resulting from environmental exposure, ATSDR EIs fill data gaps by conducting environmental and biological sampling.

DATES: CDC must receive written comments on or before January 7, 2019.

ADDRESSES: You may submit comments, identified by Docket No. ATSDR–2018–0009 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact *Jeffrey M. Zirger,* Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

5. Assess information collection costs.

Proposed Project

ATSDR Exposure Investigations (EIs) (OMB Control No. 0923–0048, Expiration Date 3/31/2019)—Extension—Agency for Toxic Substances and Disease Registry (ATSDR).

Background and Brief Description

The Agency for Toxic Substances and Disease Registry (ATSDR) is requesting a three-year Paperwork Reduction Act approval for the extension of the generic clearance titled ATSDR Exposure Investigations (OMB No. 0923–0048; OMB Exp. Date: 3/31/2019) to allow the agency to conduct exposure investigations (EIs), through methods developed by ATSDR.

After a chemical release or suspected release into the environment, EIs are usually requested by officials of a state health agency, county health departments, the Environmental Protection Agency (EPA), the public, and ATSDR staff.

EI results are used by public health professionals, environmental risk managers, and other decision makers to determine if current conditions warrant intervention strategies to minimize or eliminate human exposure. For example, four of the EIs that ATSDR conducted in the past three years include the Anaconda Smelter (MT—blood lead and urine arsenic), Former United Zinc and Associated Smelters (KS—blood lead), Dimock Private Well Water Sampling (PA) and Follow-up arsenic urine testing in Hayden, Arizona.

Example 1: Anaconda Smelter Blood Lead and Urine Arsenic Sampling, MT

The site is a former smelter located in Anaconda, Montana. Past smelting activities resulted in high levels of heavy metals, primarily arsenic and lead, in community soil and in the slag piles. ATSDR sampled blood and urine in community members to evaluate lead (blood) and arsenic (urine). Given community concern about contamination, all members of the community were invited to participate in the testing.

Urine samples were evaluated for total arsenic, speciated arsenic (organic and inorganic), creatinine and specific gravity. If arsenic is detected, speciation of the sample will determined whether the arsenic is organic (probably resulting from eating seafood) or inorganic (likely resulting from exposure to environmental arsenic). The results of the testing are currently being analyzed by the National Center for Environmental Health/Division of Laboratory Sciences (NCEH/DLS). Results will be sent individually to participants when the analysis is completed and a report will be prepared and presented to the community in a community meeting.

Example 2: Former United Zinc and Associated Smelters Blood Lead Testing, Iola, Kansas

The community is located in the vicinity of the Former United Zinc and Associated Smelters in Iola, Kansas. The smelters operated from 1902 to 1925 and operations resulted in heavy metal contamination in community soils. Limited sampling of the community in the past found elevated blood lead levels in young children. The blood testing was completed in two phases: One in December of 2016 and one in August 2017 and a total of 61 participants were tested: 24 Children younger than 6 years, 17 children aged 6–19 years and 20 adult women. One child younger than 6 years had a BLL greater than 5 μg/dL. The child's parents were notified by phone of the results by the ATSDR Medical Officer and follow up was conducted by the local PEHSU (Pediatric Environmental Health Specialty Unit.

All participants received their results by mail and the EI report was released and presented to the community in a public meeting in August 2018.

Example 3: Private Well Water Sampling in Dimock, Pennsylvania

Unconventional natural gas drilling activities have been conducted in the Dimock, PA area for approximately 10 years and local residents complain of poor water quality. In 2012, EPA sampled 64 private wells in the area for contaminants that may be present due to natural gas drilling activities. ATSDR assisted in the analysis of the 2012 data set and the following recommendations were made:

- People with elevated levels of inorganic analytes in their well water should install a home treatment system, and
- people with high levels of methane in their well water should vent their well and home and treat their water to eliminate potential buildup of explosive gases.

Example 4: Follow-Up Arsenic Urine Testing in Hayden, Arizona

ATSDR completed an EI in 2015 at the ASARCO Hayden Smelter Site in Hayden, AZ. The EI included blood lead and urine arsenic testing. Air monitoring determined that the smelter was not operating during the sample collection period and that, given the short half-life of arsenic in the body, the arsenic results may not be valid.

In 2017, ATSDR retested the participants from the 2015 EI to evaluate their urinary arsenic levels. It was determined that all urinary arsenic levels were below the follow-up level and air data indicate that air arsenic levels in the 2 weeks prior to testing were consistent with usual levels seen in the community. The EI report is being prepared and a community meeting will be held when the document is released.

Additional water sampling was recommended and an EI was conducted in August in 2017. For the EI, the 64 residents previously sampled were invited to have their private wells retested: 25 residences agreed participate in the EI sampling. Residents were provided the results of their sampling and an EI report is currently being prepared. It will be presented to the community in a public meeting when completed.

All of ATSDR's targeted biological assessments (*e.g.,* urine, blood) and some of the environmental investigations (*e.g.,* air, water, soil, or food sampling) involve participants to determine whether they are or have been exposed to unusual levels of pollutants at specific locations (*e.g.,* where people live, spend leisure time, or anywhere they might come into contact with contaminants under investigation).

Questionnaires, appropriate to the specific contaminant, are generally needed in about half of the EIs (at most approximately 12 per year) to assist in interpreting the biological or environmental sampling results. ATSDR collects contact information (*e.g.,* name, address, phone number) to provide the participant with their individual results. ATSDR also collects information on other possible confounding sources of chemical(s) exposure such as medicines taken, foods eaten, hobbies, jobs, etc. In addition, ATSDR asks questions on recreational or occupational activities that could increase a participant's exposure potential. That information represents an individual's exposure history.

The number of questions can vary depending on the number of chemicals being investigated, the route of exposure (*e.g.,* breathing, eating, touching), and number of other sources of the chemical(s) (*e.g.,* products used, jobs). We use approximately 12–20 questions about the pertinent environmental exposures per investigation.

Typically, the number of participants in an individual EI ranges from 10 to 100. Participation is completely voluntary, and there are no costs to participants other than their time. Based on a maximum of 12 EIs per year and 100 participants each, the estimated annualized burden hours are 600.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Exposure Investigation Participants ..	Chemical Exposure Questions	1,200	1	30/60	600
Total	.....	.....	.....	.....	600

Jeffrey M. Zirger,

Acting Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2018–24234 Filed 11–5–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–19–18APJ]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled Surveillance of Nonfatal Injuries Among On-Duty Law Enforcement Officers to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on July 20, 2018 to obtain comments from the public and affected agencies. CDC received one comment related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Surveillance of Nonfatal Injuries Among On-Duty Law Enforcement Officers—New—National Institute for Occupational Safety and Health

(NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Studies have reported that law enforcement officers have high rates of non-fatal injuries and illnesses as compared to the general worker population. As law enforcement officers undertake many critical public safety activities and are tasked with protecting the safety and health of the public, it follows that understanding and preventing injuries among law enforcement officers will have a benefit reaching beyond the workers to the general public.

As mandated in the Occupational Safety and Health Act of 1970 (Pub. L. 91–596), the mission of NIOSH is to conduct research and investigations on occupational safety and health. Related to this mission, the purpose of this project is to conduct research that will provide a detailed description of non-fatal occupational injuries incurred by law enforcement officers. This information will offer detailed insight into events that lead to the largest number of nonfatal injuries among law enforcement officers. The project will use two related data sources. The first source is data abstracted from medical records of law enforcement officers treated in a nationally stratified sample of emergency departments. These data are routinely collected through the occupational supplement to the National Electronic Injury Surveillance System (NEISS-Work). The second data source, for which NIOSH is seeking OMB approval for three years, is responses to telephone interview surveys of the injured and exposed law enforcement officers identified within NEISS-Work.

The proposed telephone interview surveys will supplement NEISS-Work data with an extensive description of law enforcement officer injuries and exposures, including worker characteristics, injury types, injury circumstances, and injury outcomes. Previous reports describing occupational injuries to law enforcement officers provide limited details on specific regions or sub-segments of the population. As compared to these earlier studies, the scope of the telephone interview data will be broader as it includes sampled cases nationwide. Results from the telephone interviews will be weighted and reported as national estimates.

The sample size for the telephone interview survey is estimated to be approximately 300 law enforcement officers annually for the proposed three year duration of the study. This is based on the number of law enforcement officers identified in previous years of NEISS-Work data and a 30% response rate that is comparable to the rate of previously conducted National Electronic Injury Surveillance System telephone interview studies. Each telephone interview will take approximately 30 minutes to complete, resulting in an annualized burden estimate of 150 hours. Using the routine NEISS-Work data, an analysis of all identified EMS workers will be performed to determine if there are differences between the telephone interview responder and non-responder groups.

The Division of Safety Research (DSR) within NIOSH is conducting this project. DSR has a strong interest in improving surveillance of law enforcement officer injuries to provide the information necessary for effectively targeting and implementing prevention efforts and, consequently, reducing occupational injuries to law enforcement officers. The Consumer Product Safety Commission (CPSC) will also contribute to this project, as they are responsible for coordinating the collection of all NEISS-Work data and for overseeing the collection of all telephone interview data. Annual Burden Hours are estimated to be 150. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Law enforcement officers	Follow-back survey	300	1	30/60

Jeffrey M. Zirger,

Acting Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2018–24235 Filed 11–5–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–18–1092; Docket No. CDC–2018–0095]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled ''Sudden Death in the Young (SDY) Case Registry''. The goal of the SDY Case Registry is to compile standardized data on sudden and unexpected deaths among infants, children, and young adults, which are not explained by homicides, suicides, overdoses, or the result of an external cause that was the only and obvious reason for the fatal injury, or terminal illnesses.

DATES: CDC must receive written comments on or before January 7, 2019.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2018–0095 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

5. Assess information collection costs.

Proposed Project

Sudden Death in the Young Registry—Revision—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP) Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Sudden Death in the Young (SDY) is defined as a sudden and unexpected death among an infant, child, or young adults (up to age 20), which is not explained by homicide, suicide, overdose, or the result of an external cause that was the only and obvious reason for the fatal injury, or terminal illnesses. Injury deaths where there may have been an initiating natural cause (*e.g.,* drowning or death of the driver in a motor vehicle accident, which may have been triggered by an underlying cardiac or neurological condition) are also included in the definition.

SDY deaths are not systematically monitored and estimates of the annual incidence of SDY vary due to differences in definitions, inconsistencies in classifying cause, variable age and study populations, and differing case ascertainment methodologies. Because standardized information has not been collected on the incidence, causes, and risk factors, developing evidence-based prevention measures has been challenging.

To address these gaps, CDC, in collaboration with the National Heart, Lung, and Blood Institute and the National Institute of Neurological Disorders and Stroke at the National Institutes of Health implemented the SDY Case Registry in 2015. Standardized data collected through the SDY Case Registry has been used by the NIH and CDC awardees to generate estimates of the incidence of SDY; to elucidate risk factors; and to develop evidence-based prevention strategies for SDY. The SDY Registry also creates infrastructure for future research about previously unknown or unrecognized risk factors for, and causes of, these deaths.

This information collection request is to continue the SDY Registry. By continuing the prior work of the SDY Registry, the information collected under this request will allow CDC to provide technical assistance to awardees so they can improve their jurisdiction's information on SDY. This includes two additions to their routine Child Death Review (CDR) program: (1) Entering SDY information from existing data sources (*e.g.,* medical records, autopsy reports) used during CDR review into the established web-based NCFRP Case Reporting System; and (2) convening clinicians with three different types of expertise (pediatric cardiology; pediatric neurology or epileptology; and forensic pathology) to conduct advanced clinical reviews of a subset of SDY cases to allow for a more thorough review of information compiled and to generate additional data about the classification of the death. The intended result will be data that can establish incidence and guide program and policy decisions at the state/jurisdiction and local levels.

CDC estimates that the participating states/jurisdictions will collect data on approximately 739 SDY cases per year. For participating states/jurisdictions, burden is estimated for reporting required case information. Based on historical program information, it is estimated that approximately half (370) of the 739 estimated SDY cases each year will undergo an advanced clinical review and classification of cause by a team of three medical experts.

OMB approval is requested for three years. The total estimated annual burden is 521 hours. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
State Health Personnel	SDY Module I	14	53	10/60	124
Medical Experts	Advanced Review	42	26	15/60	273

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
State Health Personnel	SDY Module N	14	53	10/60	124
Total					521

Jeffrey M. Zirger,

Acting Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2018–24233 Filed 11–5–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–19–0856; Docket No. CDC–2018–0097]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed extension to information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on an information collection project titled ''National Quitline Data Warehouse.'' The National Quitline Data Warehouse (NQDW) collects a core set of information from the 50 U.S. states, the District of Columbia, Guam, Puerto Rico, and the Asian Smoker's Quitline regarding what services telephone quitlines offer to tobacco users as well as the number and type of tobacco users who receive services from telephone quitlines.

DATES: CDC must receive written comments on or before January 7, 2019.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2018–0097 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed extension to data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the data collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

5. Assess information collection costs.

Proposed Project

National Quitline Data Warehouse (OMB Control No. 0920–0856, Exp. Date 03/31/2019)—Extension—National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Since 2010, the National Quitline Data Warehouse (NQDW) has collected a core set of information from the 50 U.S. states, the District of Columbia, Guam, and Puerto Rico regarding what services telephone quitlines offer to tobacco users as well as the number and type of tobacco users who receive services from telephone quitlines. The data collection was modified in 2015 to collect data from the The Asian Smokers' Quitline (ASQ) in addition to the other 53 states/territories that provide data, and included five new questions to the NQDW Intake Questionnaire to help CDC and states tailor quitline services to the needs of its callers.

The NQDW provides data on the general smoking population who contact their state quitlines, but also allows for collections of information about key subgroups of tobacco users who contact state quitlines to better support cessation services. Data is collected on tobacco users who received service from state telephone quitlines from all funded U.S. states, territories and the Asian Smokers' Quitline (ASQ) through the NQDW Intake Questionnaire. The NQDW Seven-Month Follow-up Questionnaire will be administered to tobacco users who received services from the ASQ only, and is no longer collected from other

respondents. Seven-month quit rates have been previously estimated for all Quitline callers except those that call the ASQ. Based on previous literature and a review of the follow-up evaluation data previously collected by the NQDW, seven-month quit rates are not expected to change significantly over time. Data on the quitline call volume, number of tobacco users served, and the services offered by state quitlines will be provided by state health department personnel who manage the quitline, or their designee, such as contracted quitline service providers, using the NQDW Quitline Services Survey.

Data collected from the NQDW is analyzed with simple descriptive data tabulations, and trends are currently reported online through the CDC State Tobacco Activities Tracking and Evaluation (STATE) System website. More complex statistical analyses, including multivariate regression techniques will be utilized to assess quitline outcomes such as quitline reach, service utilization, how callers reported hearing about the quitline, and the effectiveness of quitline promotions and the CDC Tips From Former Smokers national tobacco education media campaigns on state quitline call volume and tobacco users receiving services from state quitlines.

CDC uses the information collected by the NQDW for ongoing monitoring, reporting, and evaluation related to state quitlines. Select data from the NQDW are reported online through the CDC's STATE System website (*http://www.cdc.gov/statesystem*). The total estimated annual Burden Hours for NQDW are 82,477.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per respondent (in hours)	Total burden (in hours)
Quitline callers who contact the quitline for help for themselves.	NQDW Intake Questionnaire (English-complete).	488,846	1	10/60	81,474
	ASQ Intake Questionnaire (Chinese, Korean, or Vietnamese-complete).	1,935	1	10/60	323
	ASQ Seven-Month Follow-up Questionnaire.	1,587	1	7/60	185
Caller who contacts the Quitline on behalf of someone else.	NQDW Intake Questionnaire (English-subset).	12,217	1	1/60	204
	ASQ Intake Questionnaire (Chinese, Korean, or Vietnamese-subset).	86	1	1/60	2
Tobacco Control Manager or their Designee/Quitline Service Provider.	Submission of NQDW Intake Questionnaire Electronic Data File to CDC.	54	4	1	216
	Submission of NQDW (ASQ) Seven-Month Follow-up Electronic Data File to CDC.	1	1	1	1
	NQDW Quitline Services Survey	54	4	20/60	72
Total	.....	.....	.....	.....	82,477

Jeffrey M. Zirger,

Acting Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2018–24232 Filed 11–5–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–19–18AEJ]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled Natural History of *Clostridium difficile* Colonization and Infection to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on May 29, 2018 to obtain comments from the public and affected agencies. CDC received one comment related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov*. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Natural History of *Clostridium difficile Colonization* and Infection—New—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

A broad 60-day notice was published in the **Federal Register** on May 29, 2018, Vol. 83, No. 103, pp. 24475–24476. This 60-day notice notified the public of the broad agency announcement—Applied Research to Address Emerging Public Health Priorities—being made by CDC. Though not specific to this project, it informed the public of CDC's intent to contract with researchers to carry out a variety of different research projects.

Current estimates from the CDC suggest that *Clostridium difficile* now causes more healthcare-associated infections than any other pathogen. However, only 10% to 60% of those acquiring colonization with toxigenic strains develop *C. difficile* infection (CDI), with the remainder becoming asymptomatic carriers. Current infection control measures focus almost entirely on patients with CDI, but several recent studies suggest that asymptomatic carriers of toxigenic *C. difficile* may be an under-appreciated source of transmission. Unfortunately, the natural history of *C. difficile* colonization is not well described because previous studies have not included long-term follow-up of colonized patients and have not included strain-specific information. Previous studies of *C. difficile* carriage have also rarely included assessments of the burden of carriage, the frequency of skin and environmental shedding, and the impact of antibiotics and other healthcare exposures on colonization.

The primary goal of this project is to develop a better understanding of the natural history of *C. difficile* colonization and infection to develop more effective control measures. The study will answer several questions. How often do patients acquire *C. difficile* colonization and shed the organism in their stool? Once colonization is acquired, how long do patients continue to shed *C. difficile* in their stool? How often do patients who acquire *C. difficile* colonization develop diarrhea? Are some types of *C. difficile* strains more likely to cause diarrhea or more likely to be shed in stool for a long time? Finally, do factors like antibiotic treatment, other medications, and diet affect the duration and amount of *C. difficile* shed in stool?

The results of the study will be used in the design of interventions to prevent transmission by asymptomatic carriers. The findings will be valuable for development of accurate transmission models including estimation of the effects of prevention interventions and the data will be made available for development of mathematical models of *C. difficile* transmission. Finally, the study will provide current information on the incubation period for CDI and the fraction of carriers that progress to CDI.

The study hospitals will include the Cleveland VA Medical Center, MetroHealth Medical Center, and the Medical University of South Carolina (MUSC). We will conduct a one-year cohort study of 1200 total patients, including 800 admitted to the hospital, 300 admitted to a long-term care facility (LTCF), and 100 outpatients with no healthcare admissions within 3 months. Peri-rectal, groin, chest/abdomen/hand, and environmental swabs will be collected weekly while in the hospital or LTCF for up to 4 weeks; for outpatients, swabs will be collected weekly for up to 4 weeks. Our goal will be to identify patients with new acquisition of toxigenic *C. difficile* carriage to study the natural history of carriage. Based on previous studies, we anticipate that ~12% of patients will acquire colonization (145 total). For patients with new acquisition of carriage, additional swabs will be collected up to once each month for six months to determine the natural history of colonization and if CDI is diagnosed, stool specimens will be cultured.

One of our goals is to determine the impact of a variety of factors including antibiotic therapy, medications (*e.g.,* laxatives), diet, and strain type on duration and burden of *C. difficile* colonization. In addition, we will obtain information regarding symptoms of diarrhea. To obtain this information, we will perform chart review and interviews. For all subjects, chart review will be conducted during and after admission to obtain information on demographics, co-morbidities, prior CDI, ward location, devices, incontinence, bathing practices, proton pump inhibitor use, mobility, diarrhea, laxatives, and antibiotics (categorized based upon anti-anaerobic and anti-*C. difficile* activity). To supplement information from chart review, subjects will be interviewed by study personnel at the time of each culture collection to obtain information on diarrhea, medications including antibiotics, proton pump inhibitors, and laxatives, diet, bathing practices, and fecal incontinence.

The information being collected through chart review and interviews will be valuable to identify factors associated with *C. difficile* colonization and infection. If this information were not collected, we would not be able to adequately assess factors that could affect *C. difficile* colonization or infection and/or that could lead to gastrointestinal symptoms.

To supplement information from chart review, subjects will be interviewed by study personnel (contractors) at the time of each culture collection to obtain information on diarrhea, medications including antibiotics, proton pump inhibitors, and laxatives, diet, bathing practices, and fecal incontinence. The questions will be administered by study personnel who will be trained by the principal investigator or co-investigators. All subjects will be interviewed. The respondents will have advance notice or appointments.

Total annualized Burden Hours for this study are 577. There is no burden on respondents other than the time to participate. Authorizing legislation comes from Section 301 of the Public Health Service Act. CDC is seeking one year of clearance to complete this study.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Study participants	Questionnaire	1200	5	5/60
Subjects acquiring C. difficile colonization	Questionnaire	145	6	5/60
Subjects developing CDI	Questionnaire	48	1	5/60

Jeffrey M. Zirger,

Acting Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2018–24231 Filed 11–5–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Tribal TANF Data Report, TANF Annual Report, and Reasonable Cause/Corrective Action Documentation Process—Final.

OMB No.: 0970–0215.

Description: 42 U.S.C. 612 (Section 412 of the Social Security Act as amended by Public Law 104–193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)), mandates that federally recognized Indian Tribes with an approved Tribal TANF program collect and submit to the Secretary of the Department of Health and Human Services data on the recipients served by the Tribes' programs. This information includes both aggregated and disaggregated data on case characteristics and individual characteristics. In addition, Tribes that are subject to a penalty are allowed to provide reasonable cause justifications as to why a penalty should not be imposed or may develop and implement corrective compliance procedures to eliminate the source of the penalty. Finally, there is an annual report, which requires the Tribes to describe program characteristics. All of the above requirements are currently approved by OMB and the Administration for Children and Families is simply proposing to extend them without any changes.

Respondents: Indian Tribes.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Final Tribal TANF Data Report	74	4	451	133,496
Tribal TANF Annual Report	74	1	40	2,960
Tribal TANF Reasonable Cause/Corrective	74	1	60	4,440

Estimated Total Annual Burden Hours: 140,896.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2018–24259 Filed 11–5–18; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–D–0138]

Questions and Answers Regarding Mandatory Food Recalls: Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing the availability of a final guidance for industry and FDA staff entitled ''Questions and Answers Regarding Mandatory Food Recalls: Guidance for Industry and FDA Staff.'' The guidance provides information on the implementation of the mandatory food recall provisions of the FDA Food Safety Modernization Act (FSMA). The guidance is in the form of Questions and Answers and provides answers to common questions that might arise about the mandatory recall provisions and FDA's plans for their implementation.

DATES: The announcement of the guidance is published in the **Federal Register** on November 6, 2018.

ADDRESSES: You may submit either electronic or written comments on Agency guidances 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–2015–D–0138 for ''Questions and Answers Regarding Mandatory Food Recalls: Guidance for Industry and FDA Staff.'' 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 guidance to the Office of Strategic Planning and Operational Policy, Office of Regulatory Affairs, Food and Drug Administration, 12420 Parklawn Dr., Element Building, Rm. 4141, Rockville, MD 20857. Send two self-addressed adhesive labels to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance.

FOR FURTHER INFORMATION CONTACT: Seth Brown, Office of Regulatory Affairs, Food and Drug Administration, 12420 Parklawn Dr., Element Building, Rm. 4141, Rockville, MD 20857, 240–402–4891.

SUPPLEMENTARY INFORMATION:

I. Background

We are announcing the availability of a guidance for industry entitled ''Questions and Answers Regarding Mandatory Food Recalls: Guidance for Industry and FDA Staff.'' We are issuing the guidance consistent with our good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on this topic. 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.

FDA's mandatory food recall authority went into effect when FSMA was enacted on January 4, 2011. Section 423 of the Federal Food, Drug and Cosmetic Act (FD&C Act) (21 U.S.C. 350l), as added by section 206 of FSMA, gives FDA the authority to order a responsible party to recall an article of food where FDA determines that there is a reasonable probability that the article of food (other than infant formula) is adulterated under section 402 of the FD&C Act (21 U.S.C. 342) or misbranded under section 403(w) of the FD&C Act (21 U.S.C. 343(w)) and that the use of or exposure to such article will cause serious adverse health consequences or death to humans or animals (SAHCODHA). The guidance provides answers to common questions that might arise about the mandatory recall provisions and FDA's plans for their implementation.

In the **Federal Register** of May 7, 2015 (80 FR 26269), we made available a draft guidance for industry entitled ''Questions and Answers Regarding Mandatory Food Recalls; Draft Guidance for Industry'' and gave interested parties an opportunity to submit comments by July 6, 2015, for us to consider before beginning work on the final version of the guidance. We received several comments on the draft guidance and have modified the final guidance where appropriate. Changes to the guidance include: Adding clarity regarding the process FDA will follow for a mandatory food recall; providing detail regarding the evidence or circumstances FDA may consider when deciding to move forward with a mandatory food recall; adding a question that lists examples of situations when FDA would deem a food product to represent a SAHCODHA risk; and making editorial changes to improve clarity.

We are removing two questions from the guidance. We are removing the question about when the mandatory recall provisions go into effect, as this provision has been in effect since 2011. We are also removing the question about user fees, as we have not yet issued guidance associated with these fees and we have previously stated that we do not intend to issue invoices for mandatory recall order fees until that guidance has been finalized.

The guidance announced in this notice finalizes the draft guidance dated May 2015.

II. Electronic Access

Persons with access to the internet may obtain the guidance at either *https://www.fda.gov/FoodGuidances* or *https://www.regulations.gov.* Use the FDA website listed in the previous sentence to find the most current version of the guidance.

Dated: November 1, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–24247 Filed 11–5–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Tick-Borne Disease Working Group

AGENCY: Office of HIV/AIDS and Infectious Disease Policy, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) announces the eighth meeting of the Tick-Borne Disease Working Group (Working Group) on December 3, 2018, from 1:00 p.m. to 4:00 p.m., Eastern Time. The eighth meeting will be an online meeting held via webcast. The Working Group will review the work of the public comments subcommittee, discuss the release of the 2018 Report to Congress, recognize the subcommittee members for their contributions to the 2018 Report, and address the next steps and transition to a new Working Group for the 2020 Report to Congress.

DATES: The meeting will be held on December 3, 2018, from 1:00 p.m. to 4:00 p.m., Eastern Time.

ADDRESSES: This will be an online meeting that is held via webcast. Members of the public may attend the meeting via webcast. Instructions for attending the meeting via webcast will be posted one week prior to the meeting at: *https://www.hhs.gov/ash/advisory-committees/tickbornedisease/meetings/index.html.*

FOR FURTHER INFORMATION CONTACT: James Berger, Office of HIV/AIDS and Infectious Disease Policy, Office of the Assistant Secretary for Health, Department of Health and Human Services; via email at *tickbornedisease@hhs.gov* or by phone at 202–795–7697.

SUPPLEMENTARY INFORMATION: The Working Group invites public comment on issues related to the Working Group's charge. It may be provided via webcast at the meeting or in writing. Persons who wish to provide public comment via webcast should review directions at *https://www.hhs.gov/ash/advisory-committees/tickbornedisease/meetings/index.html* before submitting a request to do so via email at *tickbornedisease@hhs.gov.* Requests to provide webcast comments are due on or before November 26, 2018, and will be limited to three minutes each to accommodate as many speakers as possible. If more requests are received than can be accommodated, speakers will be randomly selected. The nature of the comments will not be considered in making this selection. Public comments may also be provided in writing. Individuals who would like to provide written comments should review directions at *https://www.hhs.gov/ash/advisory-committees/tickbornedisease/meetings/index.html* before sending their comments to *tickbornedisease@hhs.gov* on or before November 26, 2018. During the meeting, the Working Group will review the work of the public comments subcommittee, discuss the release of the 2018 Report to Congress, recognize the subcommittee members for their contributions to the 2018 Report, and address the next steps and transition to a new Working Group for the 2020 Report to Congress.

Background and Authority: The Tick-Borne Disease Working Group was established on August 10, 2017, in accordance with section 2062 of the 21st Century Cures Act, and the Federal Advisory Committee Act, 5 U.S.C. App., as amended, to provide expertise and review all HHS efforts related to tick-borne diseases to help ensure interagency coordination and minimize overlap, examine research priorities, and identify and address unmet needs. In addition, the Working Group will report to the Secretary and Congress on their findings and any recommendations for the federal response to tick-borne disease prevention, treatment and research, and addressing gaps in those areas.

Dated: October 25, 2018.

James J. Berger,

Senior Advisor for Blood and Tissue Policy, Designated Federal Officer, Tick-Borne Disease Working Group.

[FR Doc. 2018–24260 Filed 11–5–18; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General

[OIG–1810–N]

Statement of Organization, Functions, and Delegations of Authority

AGENCY: Office of Inspector General (OIG), HHS.

ACTION: Notice.

SUMMARY: This notice replaces all language in Part Q (Office of the Secretary) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (HHS or the Department), Office of Inspector General (OIG) (81 FR 13807, as published March 15, 2016).

The Statement of Organization, Functions, and Delegations of Authority conforms to and carries out the statutory requirements for operating OIG. The organizational changes reflected in this notice are primarily to realign the functions within OIG to better reflect the current work environment and priorities and to more clearly delineate responsibilities for the various activities within OIG's offices.

OIG was established by law as an independent and objective oversight unit of the Department to carry out the mission of preventing fraud and abuse and promoting economy, efficiency, and effectiveness of HHS programs and operations. In furtherance of this mission, the organization:

- Conducts and supervises audits, investigations, evaluations, and inspections relating to HHS programs and operations;
- identifies systemic weaknesses giving rise to opportunities for fraud and abuse in HHS programs and operations and makes recommendations to prevent their recurrence;
- leads and coordinates activities to prevent and detect fraud and abuse in HHS programs and operations;
- detects wrongdoers and abusers of HHS programs and beneficiaries so appropriate remedies may be brought to bear, including imposing administrative sanctions against providers of health care under Medicare and Medicaid who commit certain prohibited acts; and
- keeps the Secretary of Health and Human Services and Congress fully and currently informed about problems and deficiencies in the administration of HHS programs and operations and about the need for and progress of corrective action.

In addition, OIG works with the Department of Justice (DOJ), on behalf of the Secretary, to operate the Health Care Fraud and Abuse Control Program. In accordance with authority enacted in its annual appropriations, OIG also provides protection services to the Secretary and conducts criminal investigations of violations of Federal child support provisions.

In support of its mission, OIG carries out and maintains an internal quality assurance system and a peer-review system with other Offices of Inspector General, including periodic quality assessment studies and quality control reviews, to provide reasonable assurance that applicable laws, regulations, policies, procedures, standards, and other requirements are followed, are effective, and are functioning as intended in OIG operations.

Section Q, Office of Inspector General—Organization

There is at the head of OIG a statutory Inspector General, appointed by the President and confirmed by the Senate. OIG consists of six organizational units:

1. Immediate Office of the Inspector General (QA)
2. Office of Management and Policy (QC)
3. Office of Evaluation and Inspections (QE)
4. Office of Counsel to the Inspector General (QG)
5. Office of Audit Services (QH)
6. Office of Investigations (QJ)

Section Q, Office of Inspector General—Functions

The component sections that follow describe the specific functions of the organization.

Section QA.00, Immediate Office of the Inspector General—Mission

The Immediate Office of the Inspector General is directly responsible for meeting the statutory mission of OIG as a whole and for promoting effective OIG internal quality assurance systems, including quality assessment studies and quality control reviews of OIG processes and products.

Section QA.10, Immediate Office of the Inspector General—Organization

The Immediate Office comprises the Inspector General, Principal Deputy Inspector General, Chief of Staff, several technical advisors, including the Chief Medical Officer, and staff.

Section QA.20, Immediate Office of the Inspector General—Functions

The Inspector General is appointed by the President, with the advice and consent of the Senate, and reports to and is under the general supervision of the Secretary or, to the extent such authority is delegated, the Deputy Secretary. The Inspector General does not report to and is not subject to supervision by any other officer in the Department. In keeping with the independence conferred by the Inspector General Act, the Inspector General assumes and exercises, through line management, all functional authorities related to the administration and management of OIG and all mission-related authorities stated or implied in the law or delegated directly from the Secretary. The Inspector General provides executive leadership to the organization and exercises general supervision over the personnel and functions of its major components. The Inspector General determines the budget needs of OIG, sets OIG policies and priorities, oversees OIG operations, and provides reports to the Secretary and Congress. By statute, the Inspector General exercises general personnel authority, *e.g.,* selection, promotion, and assignment of employees, including members of the Senior Executive Service. The Inspector General delegates related authorities as appropriate. The Principal Deputy Inspector General assists the Inspector General in the management of OIG, and during the absence of the Inspector General, acts as the Inspector General. The Principal Deputy Inspector General supervises the Chief Counsel to the Inspector General, the Deputy Inspectors General, who head the major OIG components, as well as the Chief of Staff.

The Immediate Office interacts with the Department, Congress, and the public and leads OIG's congressional, media, and public affairs functions. The office also plans, conducts, and participates in a variety of interagency cooperative projects and undertakings relating to fraud and abuse with the DOJ, the Centers for Medicare & Medicaid Services (CMS), and other governmental agencies, and is responsible for the reporting and legislative functions required by the Inspector General Act.

Section QC.00, Office of Management and Policy—Mission

The Office of Management and Policy (OMP) provides management, guidance, and resources in support of OIG.

Section QC.10, Office of Management and Policy—Organization

OMP is directed by the Deputy Inspector General for Management and Policy, who, aided by Assistant Inspectors General, assures that OIG has the financial and administrative resources necessary to fulfill its mission. This office carries out its responsibilities through headquarters functions.

Section QC.20, Office of Management and Policy—Functions

The staffs within OMP are responsible for formulating and executing OIG's budget, developing policy, and managing information technology, human resources, executive resources, procurement activities, and physical space. OMP also executes and maintains an internal quality assurance system, which includes quality control reviews of its processes and products to ensure that OIG policies and procedures are followed and function as intended. OMP provides centralized services and management to deliver to OIG data, tools, skills, and support to use data and data analytics. Finally, OMP coordinates organizational performance management activities.

Section QE.00, Office of Evaluation and Inspections—Mission

The Office of Evaluation and Inspections (OEI) is responsible for conducting indepth evaluations of HHS programs, operations, and processes to identify vulnerabilities and recommend corrective action; to prevent and detect fraud and abuse; and to promote efficiency and effectiveness in HHS programs and operations. OEI conducts its work in accordance with the Quality Standards for Inspection and Evaluation issued by the Council of the Inspectors General on Integrity and Efficiency.

Section QE.10, Office of Evaluation and Inspections—Organization

OEI is directed by the Deputy Inspector General for the Office of Evaluation and Inspections who, aided by Assistant Inspectors General, is responsible for carrying out OIG's responsibilities to evaluate the effectiveness and efficiency of HHS programs and operations. The office is comprised of headquarters and regional functions.

Section QE.20, Office of Evaluation and Inspections—Functions

OEI is responsible for conducting evaluations of HHS programs; conducting data and trend analysis; and recommending changes in programs, procedures, policies, regulations, and legislation. OEI develops evaluation policies, procedures, techniques, and guidelines to be followed by all OEI staff in conducting evaluations. The office maintains an internal quality assurance program. OEI also oversees the activities of State Medicaid Fraud Control Units (MFCUs) to ensure the MFCUs' compliance with Federal grant regulations, administrative rules, and performance standards for the purpose of certifying or recertifying the MFCUs annually. The office also maintains automated data and management information systems used by all OEI employees, a quality assurance/peer-review program, and policy and procedure manuals.

Section QG.00, Office of Counsel to the Inspector General—Mission

In accordance with section 3(g) of the Inspector General Act (5 U.S.C. App. § 3(g)), the Office of Counsel to the Inspector General (OCIG) provides all legal advice to OIG and represents OIG in administrative litigation. OCIG proposes and litigates civil money

penalty (CMP) and program exclusion cases within the jurisdiction of OIG. It coordinates False Claims Act matters involving HHS programs and resolves voluntary disclosure cases. OCIG develops guidance to assist providers in establishing compliance programs; monitors ongoing compliance of providers subject to integrity agreements; and promotes industry awareness through advisory opinions, fraud alerts, and special advisory bulletins.

Section QG.10, Office of Counsel to the Inspector General—Organization

OCIG is directed by the Chief Counsel to the Inspector General, who also serves as OIG's Deputy Ethics Officer and is aided by Assistant Inspectors General. The office carries out its responsibilities through headquarters functions.

Section QG.20, Office of Counsel to the Inspector General—Functions

OCIG provides legal advice to OIG on issues that arise in the exercise of OIG's responsibilities under the Inspector General Act of 1978, as amended. Such issues include the scope and exercise of the Inspector General's authorities and responsibilities; investigative techniques and procedures (including criminal procedure); the sufficiency and impact of legislative proposals affecting OIG and HHS; and the conduct and resolution of investigations, audits, and inspections. The office evaluates the legal sufficiency of OIG findings and recommendations and develops formal legal opinions to support these findings and recommendations. The office also provides legal advice on OIG internal administration and operations, including appropriations, procurement, delegations of authority, OIG regulations, personnel matters, disclosure of information under the Freedom of Information Act (FOIA), and safeguarding information under the Privacy Act. Additionally, OCIG coordinates OIG's regulatory review functions required by the Inspector General Act and responses to all requests made under FOIA. The office is responsible for the clearance and enforcement of OIG subpoenas.

The office represents OIG in administrative litigation and related appeals. This includes representing OIG in personnel and Equal Employment Opportunity matters; coordinating OIG's representation in Federal tort actions involving OIG employees; and representing OIG in bid protests before the Government Accountability Office and the U.S. Court of Federal Claims.

OCIG also determines whether to propose or implement administrative sanctions, including CMPs and assessments within OIG's jurisdiction. The office litigates and resolves all appealed or contested exclusions from participation in Federal health care programs under the Social Security Act. In conjunction with DOJ, the office represents HHS in all False Claims Act cases, including qui tam cases, and is responsible for final approval of civil False Claims Act settlements for the Department, including the resolution of the program exclusion authorities that have been delegated to OIG.

In conjunction with the Office of Investigations, OCIG coordinates resolution of all voluntary and mandatory disclosure under OIG's Provider Self-Disclosure Protocol, the contractor self-disclosure requirement and otherwise. OCIG develops and monitors corporate and individual integrity agreements adopted in connection with settlement agreements, conducts onsite reviews, and develops audit and investigative review standards for monitoring such integrity agreements in conjunction with other OIG components. The office also resolves breaches of integrity agreements through the development of corrective action plans and the imposition of sanctions.

Finally, OCIG issues advisory opinions to the health care industry and members of the public on whether a current or proposed activity would constitute grounds for the imposition of a sanction under the anti-kickback statute, the CMP law, or the program exclusion authorities. The office develops procedures for submitting and processing requests for advisory opinions and for determining the fees that will be imposed. It solicits and responds to proposals for new regulatory safe harbors to the anti-kickback statute, modifications to existing safe harbors, and new fraud alerts. OCIG consults with DOJ on proposed advisory opinions and safe harbors before issuance or publication. The office provides legal advice to the components of OIG, other HHS offices, and DOJ concerning matters involving the interpretation of the anti-kickback statute and other legal authorities, and assists those components or offices in analyzing the applicability of the anti-kickback statute to particular practices or activities under review.

Section QH.00, Office of Audit Services—Mission

The Office of Audit Services (OAS) is responsible for protecting the integrity of HHS operations and programs by conducting audits that identify and report ways to improve the economy, efficiency, and effectiveness of operations and services to beneficiaries of HHS programs and to help reduce fraud, waste, abuse, and mismanagement. OAS conducts audits and oversees audit work performed by others. It conducts its work in accordance with Government Auditing Standards and follows applicable legal, regulatory, and administrative requirements.

Section QH.10, Office of Audit Services—Organization

OAS is directed by the Deputy Inspector General for Audit Services, who, aided by Assistant Inspectors General, performs the functions designated in section 3(d)(1)(A) of the Inspector General Act for the position of Assistant Inspector General for Auditing. The office comprises headquarters and regional functions and includes a designated Whistleblower Protection Ombudsman, and the functions thereof, as required by law (section 3(d)(1)(C) of the Inspector General Act).

Section QH.20, Office of Audit Services—Functions

OAS establishes audit priorities; performs audits; oversees the progress of audits; coordinates with stakeholders on bodies of work; recommends changes in program policies, regulations, and legislation to prevent fraud, waste, and abuse and improve programs and operations; and reports on the impact of audit work. The office develops audit policies, procedures, techniques, and guidelines to be followed by all OAS staff in conducting audits. OAS maintains an internal quality assurance program, conducts peer reviews of other OIGs, and maintains automated data and management information systems used by all OAS employees. The office also provides oversight for audits of State and local governments, universities, and nonprofit organizations conducted by non-Federal auditors. OAS also provides education to agency employees about prohibitions on retaliation, and the rights and remedies against retaliation, for protected disclosures, as required of the Whistleblower Protection Ombudsman.

Section QJ.00, Office of Investigations—Mission

The Office of Investigations (OI) is granted full statutory law enforcement authority under the Homeland Security Act of 2003 (Pub. L. 107–296). OI is responsible for protecting the integrity of the programs administered and/or

funded by HHS by conducting criminal, civil, and administrative investigations of fraud and misconduct related to HHS programs, operations, and employees. The office serves as OIG's liaison to DOJ on all matters relating to investigations of HHS programs and personnel and reports to the Attorney General when there are reasonable grounds to believe Federal criminal law has been violated. OI serves as a liaison to CMS, State licensing boards, and other outside organizations and entities with regard to exclusion, compliance, and enforcement activities.

Section QJ.10, Office of Investigations—Organization

OI is directed by the Deputy Inspector General for Investigations, aided by Assistant Inspectors General, and performs the functions designated in the law (section 3(d)(1)(B) of the Inspector General Act) for the position of Assistant Inspector General for Investigations. The office is comprised of headquarters and regional functions.

Section QJ.20, Office of Investigations—Functions

OI conducts criminal, civil, and administrative investigations of allegations of fraud, waste, abuse, mismanagement, and violations of standards of conduct within the jurisdiction of OIG. OI establishes investigative priorities, evaluates the progress of investigations, and reports findings to the Inspector General. The office develops and implements investigative techniques, programs, guidelines, and policies; manages OI's quality assurance/peer-review program, and conducts peer reviews of other OIGs. OI also carries out and maintains an internal quality assurance system. The system includes quality assessment studies and quality control reviews of OI processes and products to ensure that policies and procedures are followed effectively and are functioning as intended. The office effectuates mandatory and permissive exclusions from participation in Federal health care programs under the Social Security Act; decides on all requests for reinstatement from, or waiver of, exclusions; and participates in developing standards governing the imposition of these exclusion authorities. The office also oversees OIG's suspension and debarment referral program. OI implements policies and procedures and plans, develops, implements, and evaluates all levels of training for OI employees. The staff provides for the personal protection of the Secretary and other Department officials, as needed, and all emergency operations preparedness and response. OI coordinates the adoption of advanced digital forensic acquisition and examination and information security technologies to assist in the investigation, prevention, and detection of fraud and abuse; maintains an automated data and management information system used by all OI employees; provides technical expertise on computer applications for investigations; and coordinates and approves investigative computer matches with other agencies. In addition, the office operates a toll-free hotline to permit individuals to report suspected fraud, waste, and abuse within HHS programs.

Daniel R. Levinson,

Inspector General.

[FR Doc. 2018–23935 Filed 11–5–18; 8:45 am]

BILLING CODE 4152–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 17–158: Secondary Data Analyses For NIMH Research Domain Criteria (R03).

Date: November 28, 2018.

Time: 12:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Julius Cinque, MS, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7846, Bethesda, MD 20892, (301) 435–1252, *cinquej@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member conflict: AIDS and Related Research.

Date: November 29, 2018.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Shalanda A Bynum, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3206, Bethesda, MD 20892, 301–755–4355, *bynumsa@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Bone and Cartilage.

Date: November 29, 2018.

Time: 12:00 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Richard Ingraham, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7814, Bethesda, MD 20892, 301–496–8551, *ingrahamrh@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Role of Blood Brain Barrier in Pain and Brain Tumors, Peripheral Nerve and Brain Injury.

Date: November 30, 2018.

Time: 11:00 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Seetha Bhagavan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5194, MSC 7846, Bethesda, MD 20892, (301) 237–9838, *bhagavas@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 31, 2018.

David D. Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–24224 Filed 11–5–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive Patent License: Therapeutics for Insulin Resistance and Non-Alcoholic Fatty Liver Disease/Non-Alcoholic Steatohepatitis (NASH/NAFLD)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Heart, Lung and Blood Institute (NHLBI), National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an exclusive commercialization patent license to Ovensa, Inc. headquartered in Ontario, Canada, to practice the inventions embodied in the patent application(s) listed in the Supplementary Information section of this notice.

DATES: Only written comments and/or applications for a license which are received by the NHLBI Office of Technology Transfer and Development November 21, 2018 will be considered.

ADDRESSES: Requests for copies of the patent applications, inquiries, and comments relating to the contemplated exclusive patent license should be directed to: Michael Shmilovich, Esq., Senior Licensing and Patent Manager, 31 Center Drive, Room 4A29, MSC2479, Bethesda, MD 20892–2479, phone number 301–435–5019, or *shmilovm@mail.nih.gov.*

SUPPLEMENTARY INFORMATION: The following and all continuing U.S. and foreign patents/patent applications thereof are the intellectual properties to be licensed under the prospective agreement to Ovensa: HHS Ref. No. E–103–2013–0, U.S. Provisional Patent Application 61/839,239, ''Glucan-Encapsulated siRNA For Treating Type 2 Diabetes Mellitus,'' filed June 25, 2013, International Patent Application PCT/2014/043924 filed June 24, 2014, European Patent Application 14818342.9 filed June 24, 2018, and US Patent 10,077,446 filed June 24, 2014 and issued September 18, 2018. The patent rights in this invention have been assigned to the Government of the United States of America. The prospective license would be granted worldwide and in a field of use not broader than therapeutics for preventing or treating insulin resistance and non-alcoholic fatty liver disease/non-alcoholic steatohepatitis. The scope of any proposed licensed may also be limited to products sold that include therapeutic siRNAs encapsulated in nanoparticles made from either glucan based biopolymers and/or Ovensa's TRIOZAN™ (N,N,N-Trimethyl Chitosan) proprietary biopolymer.

The invention pertains to the use of glucan encapsulated non-immunostimulatory small interfering RNAs (siRNAs) to treat type-2 diabetes. Endocannabinoids (EC) are lipid signaling molecules that act on the same cannabinoid receptors that recognize and mediate the effects of endo- and phytocannabanoids. EC receptor CB1R activation is implicated in the development of obesity and its metabolic consequences, including insulin resistance and type 2 diabetes. Beta-cell loss has been demonstrated in a Zucker diabetic fatty (ZDF) rat model of type-2 diabetes through CB1R-mediated activation of a macrophage-mediated inflammatory response. Conversely, rats treated with a peripheral CB1R antagonist restores normoglycemia and preserves beta-cell function. Similar results are seen following selective in vivo knockdown of macrophage CB1R by daily treatment of ZDF rats with the instant D-glucan-encapsulated CB1R small interfering RNA (siRNA). Knock-down of CB1R using glucan encapsulated siRNA represent new methods of treating type-2 diabetes or preventing the progression of insulin resistance to overt diabetes.

This notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive patent license will be royalty bearing and may be granted unless within fifteen (15) days from the date of this published notice, the NHLBI receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

Complete applications for a license in the prospective field of use that are timely filed in response to this notice will be treated as objections to the grant of the contemplated exclusive patent license.

Comments and objections submitted to this notice will not be made available for public inspection and, to the extent permitted by law, will not be released under the *Freedom of Information Act,* 5 U.S.C. 552.

Dated: October 24, 2018.

Michael A. Shmilovich,

Senior Licensing and Patenting Manager, National Heart, Lung, and Blood Institute, Office of Technology Transfer and Development.

[FR Doc. 2018–24225 Filed 11–5–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel Review of NHLBI Cardiac Surgery Network Coordinating Center.

Date: November 26, 2018.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Shelley S Sehnert, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7206, Bethesda, MD 20892–7924, 301–435–0303, *ssehnert@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel NHLBI SBIR Phase IIB Bridge Awards.

Date: November 27, 2018.

Time: 7:30 a.m. to 9:30 a.m.

Agenda: To review and evaluate grant applications.

Place: Crowne Plaza, Washington National Airport, 1489 Jefferson Davis Hwy, Arlington, VA 22202.

Contact Person: William J Johnson, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7178, Bethesda, MD 20892–7924, 301–827–7938, *johnsonwj@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel NHLBI SBIR Phase IIB Small Market Awards.

Date: November 27, 2018.

Time: 9:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Crowne Plaza, Washington National Airport, 1489 Jefferson Davis Hwy, Arlington, VA 22202.

Contact Person: William J Johnson, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7178, Bethesda, MD 20892–7924, 301–827–7938, *johnsonwj@nhlbi.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: October 31, 2018.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–24222 Filed 11–5–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Heart, Lung, and Blood Initial Review Group, Heart, Lung, and Blood Program Project Review Committee.

Date: November 30, 2018.

Time: 8:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton BWI (Baltimore), 1100 Old Elkridge Landing Road, Baltimore, MD 21090.

Contact Person: Jeffrey H. Hurst, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7208, Bethesda, MD 20892, 301–435–0303, *hurstj@nhlbi.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: October 31, 2018.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–24221 Filed 11–5–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Lasker Clinical Scholars Review.

Date: November 14, 2018.

Time: 11:30 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute, Shady Grove, 9609 Medical Center Drive, Room 7W126, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Caron A. Lyman, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W126, Bethesda, MD 20892–9750, 240–276–6348, *lymanc@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: October 31, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–24223 Filed 11–5–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Announcement of Approved Third-Party Canine-Cargo Certifiers, and Start of Certification Events

AGENCY: Transportation Security Administration, DHS.

ACTION: Notice.

SUMMARY: The Transportation Security Administration (TSA) has approved the following organizations to assess third-party explosives detection canine teams to determine whether they meet TSA's standards for screening air cargo. This notice announces the list of approved certifying organizations, and establishes a certification start date of November 1, 2018.

TSA-approved 3PK9–C Certifiers may begin certifying canine teams to TSA standards effective November 1, 2018, and may continue to certify teams thereafter. All certification events must be conducted in accordance with the requirements of the 3PK9–C Order, by an Authorized Evaluator employed by a TSA-approved 3PK9–C Certifier.

DATES: The certification start date is effective November 1, 2018.

ADDRESSES: Interested parties can contact *3PKCert@tsa.dhs.gov* to obtain information about the certification program.

FOR FURTHER INFORMATION CONTACT: Christopher Shelton, 3PK9–C Team, Canine Training Center, Training and Development, Transportation Security Administration, U.S. Department of Homeland Security; email to *3PKCert@tsa.dhs.gov;* telephone at (210) 396–4425 (desk); fax to (210) 671–4911.

SUPPLEMENTARY INFORMATION:

Background

TSA created the Third-Party Canine-Cargo (3PK9–C) Program, under TSA's regulations for Certified Cargo Screening Programs (CCSP), *see* 49 CFR part 1549, to provide an efficient and effective method for screening air cargo to TSA's standards. Under this program, third-party canine teams trained in explosives detection can be certified by a non-governmental entity, acting under the approval of TSA, as meeting TSA's certification standards. Certified 3PK9–C teams can be deployed to screen air cargo for aircraft operators, foreign air carriers, and other TSA-regulated parties operating under a TSA-approved or accepted security program.

On May 18, 2018, TSA published a notice in the **Federal Register** seeking applications from qualified persons interested in becoming an approved 3PK9–C Certifier under the 3PK9–C Program. *See* 83 FR 23287.

The CCSP–K9 security program will define the requirements that TSA-regulated canine explosives detection teams must meet when screening cargo for air carriers and screening facilities and will include eligibility requirements for canine explosives detection teams. These eligibility requirements for canine explosives detection teams include, but are not limited to, experience, education, vetting, and citizenship requirements for canine team handlers. These eligibility requirements for canine explosives detection teams are not contained in the 3PK9 Certifier Order. The 3PK9 Security Program and Order

are not available to the public as they contain information that cannot be publicly disclosed under 49 CFR part 1520. Individuals that complete the required vetting processes and other agreements necessary for release of Sensitive Security Information (SSI), including documenting a ''need to know,'' will be provided a copy of the Order and Security Program.

Canine explosives detection teams may seek certification as early as November 1, 2018, but all teams should understand that successful completion of a 3PK9–C certification event is only one of the requirements for explosives detection canine teams under the CCSP–K9 security program. Among other requirements, the CCSP–K9 security program requires canine explosives detection teams to pass a background check before an air carrier may hire them to screen cargo.

3PK9 Certifiers

The following individuals and organizations have been approved by TSA to serve as 3PK9 Certifiers:

BSA Security and Investigations, Inc., Point of Contact: Bruce Schofield, *bruce.schofield@bsasecurity.com,* Phone: (909) 350–2600.

Dogs for Defense Inc., Point of Contact: Kristin Hughes, *kristin@d4d.us,* Phone: (320) 980–2235.

EPG LLC, Point of Contact: Brian C. Hayen, *inv55@aol.com,* Phone: (203) 921–6021.

ExcetK9, Point of Contact: Dr. Jorge Maciel, *ExcetK9@excetinc.com,* Phone: (410) 436–7271.

Hill Country Dog Center LLC, Point of Contact: Michael Clemenson, *Mike@hcdogcenter.com,* Phone: (830) 510–4700.

International Canine College, Inc., Point of Contact: Bob Anderson, *Bobik9c@gmail.com,* Phone: (561) 722–3881.

K–9 Solutions International, Inc., Point of Contact: Jason Johnson, *j.johnson@ik9.com,* Phone: (810) 844–6045.

K–9 Specialized Training and Consulting LLC, Point of Contact: David Dorn, *dorn@k9stac.com,* Phone: (925) 997–3122.

Renbar Kennels, LLC, Point of Contact: William Scribner, *Renbar.kennels@sbcglobal.net,* Phone: (203) 546–0150.

Spectrum Canine Solutions, Point of Contact: Marilyn Rivera-Schembre, *k9command@spectrumcanine.com,* Phone: (210) 772–2181.

The Parker K9 Group LLC, Point of Contact: William Parker, *K9Whisper@comcast.net,* Phone: (703) 431–6808.

Xtreme Concepts Inc., Point of Contact: Jason Johnson, *j.johnson@ik9.com,* Phone: (810) 844–6045.

TSA will continue to provide updates pending formal release of the CCSP–K9 security program. If you have questions, please feel free to email the TSA 3PK9–C Team at *3PKCert@tsa.dhs.gov.*

Dated: October 31, 2018.

Ronald Gallihugh,

Deputy Executive Assistant Administrator, Enterprise Support.

[FR Doc. 2018–24218 Filed 11–5–18; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[18XL1109AF LLUTG02000 L13100000.DO0000]

Notice of Termination of the San Rafael Swell Master Leasing Plan, Utah; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice; correction.

SUMMARY: On July 13, 2018, the Bureau of Land Management published a Notice in the **Federal Register** terminating the San Rafael Swell Master Leasing Plan process. The name of the master leasing plan in the Notice was incorrect. This Notice corrects the name of the master leasing plan.

FOR FURTHER INFORMATION CONTACT: Chris Conrad, by telephone, 435–636–3600, or by email, *cconrad@blm.gov.*

Correction

In the **Federal Register** of July 13, 2018, in FR Doc. 2018–15016, on page 32681, correct the following:

- The title to read ''Notice of Termination of the San Rafael Desert Master Leasing Plan, Utah;''
- the first sentence in the **SUMMARY** section to read ''The preparation of an Environmental Assessment associated with the San Rafael Desert Master Leasing Plan Amendment is no longer required, and the process is hereby terminated.''
- the **DATES** section to read ''Termination of the planning process for the San Rafael Desert Master Leasing Plan Amendment takes effect immediately.''

Edwin L. Roberson,

State Director.

[FR Doc. 2018–24271 Filed 11–5–18; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCON01000. L51100000.GA0000.LVEMC17CC180.17X]

Notice of Availability of the Environmental Assessment and Notice of Public Hearing for the Peabody Twentymile Coal LLC, Federal Coal Lease-by-Application COC–78449, Routt County, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability and notice of public hearing.

SUMMARY: In accordance with Federal coal management regulations, the Peabody Twentymile Coal, LLC, (Twentymile) Federal Coal Lease-by-Application (LBA) Environmental Assessment (EA) is available for public review and comment. The Bureau of Land Management (BLM) Little Snake Field Office (LSFO) will hold a public hearing to receive comments on the EA, Fair Market Value (FMV), and Maximum Economic Recovery (MER) of the coal resources for Peabody Twentymile Coal, LLC, serial number COC–78449.

DATES: The public hearing will be held November 28, 2018, from 5 p.m. to 7 p.m. Written comments must be received no later than December 6, 2018.

ADDRESSES: The public hearing will be held at the BLM LSFO, 455 Emerson St., Craig, CO 81625. Written comments specific to the Twentymile LBA, FMV and MER must be sent to Jennifer Maiolo at the BLM LSFO, 455 Emerson St., Craig, CO 81625, via email to *jmaiolo@blm.gov* or via fax to 970–826–5002. Copies of the EA are available online at *https://go.usa.gov/xQZNb* and the LSFO address above.

FOR FURTHER INFORMATION CONTACT: LSFO Mining Engineer Jennifer Maiolo at 970–826–5077 or via email at *jmaiolo@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or questions for the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: On April 6, 2017, the BLM received an LBA filed by Twentymile to lease 640-acres of Federal coal resources to expand its Twentymile Coal Foidel Creek Mine. The LBA underlies private surface and

contains approximately 4.68 million tons of recoverable Federal coal resources. The coal resources to be offered are limited to coal recoverable by underground mining methods.

The Federal coal resources are located in Routt County, Colorado

Sixth Prime Meridian

T5N, R86W;
Sec 22: E½NE¼, NE¼SE¼, NE½SE¼SE¼;
Sec 23: N½, N½S½, N½SW¼SW¼.

These lands contain 640 acres, more or less.

The EA addresses natural resource, cultural, socioeconomic, environmental and cumulative impacts that would result from leasing these lands. Two alternatives are addressed in the EA:

Alternative 1: (Proposed Action) The tract would be leased as requested in the application; and

Alternative 2: (No Action) The application would be rejected or denied and the subsurface Federal coal reserves would be bypassed.

Proprietary information or data marked as confidential may be submitted to the BLM in response to this solicitation of comments. Information and data marked confidential will be treated in accordance with the applicable laws and regulations governing the confidentiality of such information or data. A copy of the comments submitted by the public on the EA, FMV, and MER for the tract, except those portions identified as proprietary by the author and meeting exemptions in the Freedom of Information Act, will be available for public inspection at the BLM LSFO, at the address listed above, during regular business hours (8 a.m. to 4:30 p.m.), Monday through Friday.

Comments on the EA, FMV and MER should address, but not necessarily be limited to, the following:

1. The quality and quantity of the Federal coal resources;

2. The mining methods or methods to be employed to obtain the MER of the coal, including the name of the coal bed(s) to be mined, timing and rate of production, restriction of mining, and the inclusion of the tracts in an existing mining operation;

3. The price the mined coal would bring when sold;

4. Costs, including mining and reclamation costs, of producing the coal and the anticipated timing of production;

5. The percentage rate at which anticipated income streams should be discounted, either with inflation, or in absence of inflation, in which case the anticipated rate of inflation should be given;

6. Depreciation, depletion, amortization and other tax accounting factors; and

7. The value of any privately held mineral or surface estate in the Foidel Creek Mine area.

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. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1506.6, 43 CFR 3425.3 and 3425.4.

Gregory P. Shoop,

Acting BLM Colorado State Director.

[FR Doc. 2018–24272 Filed 11–5–18; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

National Indian Gaming Commission

Fee Rate and Fingerprint Fees

AGENCY: National Indian Gaming Commission, Department of the Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that the National Indian Gaming Commission has adopted its annual fee rates of 0.00% for tier 1 and 0.062% (.00062) for tier 2, which remain the same as current fee rates. The tier 2 annual fee rate represents the lowest fee rate adopted by the Commission since 2010. These rates shall apply to all assessable gross revenues from each gaming operation under the jurisdiction of the Commission. If a tribe has a certificate of self-regulation, the fee rate on Class II revenues shall be 0.031% (.00031) which is one-half of the annual fee rate. The fee rates being adopted here are effective November 1, 2018, and will remain in effect until new rates are adopted.

The National Indian Gaming Commission has also adopted its fingerprint processing fees of $18 per card effective November 1, 2018. These fees remain the same as current fingerprint processing fees.

FOR FURTHER INFORMATION CONTACT: Yvonne Lee, National Indian Gaming Commission, 1849 C Street NW, Mail Stop #1621, Washington, DC 20240; telephone (202) 632–7003; fax (202) 632–7066.

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act (IGRA) established the National Indian Gaming Commission, which is charged with regulating gaming on Indian lands.

Commission regulations (25 CFR 514) provide for a system of fee assessment and payment that is self-administered by gaming operations. Pursuant to those regulations, the Commission is required to adopt and communicate assessment rates and the gaming operations are required to apply those rates to their revenues, compute the fees to be paid, report the revenues, and remit the fees to the Commission. All gaming operations within the jurisdiction of the Commission are required to self-administer the provisions of these regulations, and report and pay any fees that are due to the Commission.

Pursuant to 25 CFR 514, the Commission must also review regularly the costs involved in processing fingerprint cards and set a fee based on fees charged by the Federal Bureau of Investigation and costs incurred by the Commission. Commission costs include Commission personnel, supplies, equipment costs, and postage to submit the results to the requesting tribe.

Dated: October 26, 2018.

Jonodev Osceola Chaudhuri,

Chairman.

Dated: October 26, 2018.

Kathryn C. Isom-Clause,

Vice Chair.

Dated: October 26, 2018.

E. Sequoyah Simermeyer,

Associate Commissioner.

[FR Doc. 2018–24219 Filed 11–5–18; 8:45 am]

BILLING CODE 7565–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

Notice on Outer Continental Shelf Oil and Gas Lease Sales

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: List of Restricted Joint Bidders.

SUMMARY: Pursuant to the Bureau of Ocean Energy Management (BOEM) regulatory restrictions on joint bidding, the Director of the BOEM is publishing a List of Restricted Joint Bidders. Each entity within one of the following groups is restricted from bidding with any entity in any of the other following groups at Outer Continental Shelf oil and gas lease sales to be held during the bidding period November 1, 2018, through April 30, 2019.

DATES: This List of Restricted Joint Bidders will cover the period November 1, 2018, through April 30, 2019.

SUPPLEMENTARY INFORMATION: This List of Restricted Joint Bidders will cover the period November 1, 2018, through April 30, 2019, and replace the prior list published on May 15, 2018 (83 FR 22513), which covered the period of May 1, 2018, through October 31, 2018.

Group I
BP America Production Company
BP Exploration & Production Inc.
BP Exploration (Alaska) Inc.
Group II
Chevron Corporation
Chevron U.S.A. Inc.
Chevron Midcontinent, L.P.
Unocal Corporation
Union Oil Company of California
Pure Partners, L.P.
Group III
Eni Petroleum Co. Inc.
Eni Petroleum US LLC
Eni Oil US LLC
Eni Marketing Inc.
Eni BB Petroleum Inc.
Eni US Operating Co. Inc.
Eni BB Pipeline LLC
Group IV
Equinor ASA
Equinor Gulf of Mexico LLC
Equinor USA E&P Inc.
Group V
Exxon Mobil Corporation
ExxonMobil Exploration Company
Group VI
Petroleo Brasileiro S.A.
Petrobras America Inc.
Group VII
Shell Oil Company
Shell Offshore Inc.
SWEPI LP
Shell Frontier Oil & Gas Inc.
SOI Finance Inc.
Shell Gulf of Mexico Inc.
Group VIII
Total E&P USA, Inc.

Authority: 30 CFR 556.511–556.515.

Dated: October 31, 2018.

Walter D. Cruickshank,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2018–24257 Filed 11–5–18; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request, Evaluation of the American Apprenticeship Initiative, New Collection; Correction

AGENCY: Office of the Assistant Secretary for Policy, Chief Evaluation Office, Department of Labor.

ACTION: Notice; correction.

SUMMARY: The Department of Labor (DOL) published a document in the **Federal Register** of November 1, 2018, concerning request for comments on the collection of data about the Evaluation of Strategies Used in America's Promise Job Driven Grant Program Evaluation. The document contained incorrect title.

FOR FURTHER INFORMATION CONTACT: Megan Lizik by email at *ChiefEvaluationOffice@dol.gov,* or call 202–430–1255.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of November 1, 2018, in FR Doc. 83 FR 54943, on page 54943, in the third column, correct the Title caption to read: ''Agency Information Collection Activities; Submission for OMB Review; Comment Request, America's Promise Job Driven Grant Program Evaluation, New Collection.''

Dated: November 1, 2018.

Molly Irwin,

Chief Evaluation Officer, U.S. Department of Labor.

[FR Doc. 2018–24270 Filed 11–5–18; 8:45 am]

BILLING CODE 4510–HX–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Federal Council on the Arts and the Humanities

Arts and Artifacts Indemnity Panel Advisory Committee Meeting

AGENCY: Federal Council on the Arts and the Humanities, National Foundation on the Arts and the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, notice is hereby given that the Federal Council on the Arts and the Humanities will hold a meeting of the Arts and Artifacts International Indemnity Panel.

DATES: The meeting will be held on Wednesday, November 7, 2018, from 12:00 p.m. to 5:00 p.m.

ADDRESSES: The meeting will be held by teleconference originating at the National Endowment for the Arts, Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Elizabeth Voyatzis, Committee Management Officer, 400 7th Street SW, Room 4060, Washington, DC 20506, (202) 606 8322; *evoyatzis@neh.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the meeting is for panel review, discussion, evaluation, and recommendation on applications for Certificates of Indemnity submitted to the Federal Council on the Arts and the Humanities, for exhibitions beginning on or after January 1, 2019. Because the meeting will consider proprietary financial and commercial data provided in confidence by indemnity applicants, and material that is likely to disclose trade secrets or other privileged or confidential information, and because it is important to keep the values of objects to be indemnified, and the methods of transportation and security measures confidential, I have determined that that the meeting will be closed to the public pursuant to subsection (c)(4) of section 552b of Title 5, United States Code. I have made this determination under the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 15, 2016.

Dated: November 1, 2018.

Elizabeth Voyatzis,

Committee Management Officer, Federal Council on the Arts and the Humanities & Deputy General Counsel, National Endowment for the Humanities.

[FR Doc. 2018–24246 Filed 11–5–18; 8:45 am]

BILLING CODE 7536–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0227]

Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving Proposed No Significant Hazards Considerations and Containing Sensitive Unclassified Non-Safeguards Information and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment request; notice of opportunity to comment, request a hearing, and petition for leave to intervene; order imposing procedures.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of two amendment requests. The amendment requests are for both Peach Bottom Atomic Power Station, Unit Nos. 2 and 3. For each amendment request, the NRC proposes to determine that they involve no significant hazards consideration. Because each amendment request

contains sensitive unclassified nonsafeguards information (SUNSI) an order imposes procedures to obtain access to SUNSI for contention preparation.

DATES: Comments must be filed by December 6, 2018. A request for a hearing must be filed by January 7, 2019. Any potential party as defined in Section 2.4 of title 10 of the *Code of Federal Regulations* (10 CFR), who believes access to SUNSI is necessary to respond to this notice must request document access by November 16, 2018.

ADDRESSES: You may submit comments by any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0227. Address questions about Docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* May Ma, Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Kay Goldstein, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1506, email: *Kay.Goldstein@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0227, facility name, unit number(s), plant docket number, application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0227.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2018–0227, facility name, unit number(s), plant docket number, application date, and subject in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the NRC is publishing this notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This notice includes notices of amendments containing SUNSI.

III. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish a notice of issuance in the **Federal Register**. If the Commission makes a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the

action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (First Floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be

submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at *http://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Exelon Generation Company, LLC, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station (PBAPS), Unit Nos. 2 and 3, York County, Pennsylvania

Date of amendment request: May 30, 2018. A publicly-available version is in ADAMS under Accession No. ML18150A387.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The amendments would revise the Technical Specifications (TSs) to allow continued operation with two safety relief valves/safety valves (SRVs/SVs) out-of-service (OOS) and to increase the reactor coolant system pressure safety limit. The proposed changes are based on taking credit for the additional SV that was installed on each unit per the Extended Power Uprate amendments for PBAPS Unit 2 and Unit 3, dated March 21, 2016 (ADAMS Accession No. ML16034A372), and a re-evaluation of the transient pressure analysis at the current licensed thermal power authorized by the Measurement Uncertainty Recapture uprate amendments dated November 15, 2017 (ADAMS Accession No. ML17286A013).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change would revise TS Section 3.4.3 to lower the required number of operable Safety Relief Valves (SRVs) and Safety Valves (SVs) from a total of 13 to 12, and raise the Reactor Coolant System (RCS) Safety Limit (SL) from 1,325 to 1,340 psig [pounds per square inch gauge]. Analysis confirms that raising the number of out-of-service SRVs/SVs from one to two does not have an adverse impact on (1) the overpressure protection for the reactor pressure vessel [RPV], (2) the ability of High Pressure Coolant Injection (HPCI), Reactor Core Isolation Cooling (RCIC), Standby Liquid Control (SLC) and Control Rod Drive (CRD) safety systems to perform their design basis requirements, and (3) the Emergency Core Cooling System (ECCS) Loss of Coolant Accident (LOCA) analysis. The analysis also confirms that for the peak vessel pressure in the overpressure event, there is still over 20 psi [pounds per square inch] margin to the American Society of Mechanical Engineer[s] (ASME) code overpressure limit. This margin also includes the penalty due to the TRACG statistical pressure adder required to be included in the analysis results, thereby

providing additional analytical margin. Raising the dome pressure safety limit by 15 psi from 1,325 to 1,340 psig [pounds per square inch gauge] still provides sufficient margin (approximately 5 psi) for the peak pressure vessel pressure and thus continues to support the ASME code overpressure limit requirements. Compliance with the ASME upset code requirements for vessel overpressure protection is still ensured with this change to the dome pressure safety limit (1,340 psig) to support operation with two SRVOOS.

This analysis covers the plant response to the design basis accidents, Anticipated Operational Occurrence (AOO) events and Special Events. The proposed change does not require any new or unusual operator actions. The proposed change does not introduce any new failure modes that could result in a new or different accident. The SRVs and SVs are not being modified or operated differently and will continue to operate to meet the design basis requirements for RPV overpressure protection. The proposed change does not alter the manner in which the RPV overpressure protection system is operated and functions and thus, there is no significant impact on reactor operation. There is no change being made to safety limits or limiting safety system settings that would adversely affect plant safety as a result of the proposed change.

For PBAPS, the limiting overpressure AOO event is the main steam isolation valve closure with scram on high flux (MSIVF). The PBAPS ATWS [Anticipated Transient Without Scram] Special Event analysis considered the limiting cases for RPV overpressure and is analyzed under two cases: (1) Main Steam Isolation Valve Closure (MSIVC) and (2) Pressure Regulator Failure Open (PRFO). These events were analyzed under the proposed conditions and it was confirmed that the existing analyses remain bounding for the condition of adding a second SRV/SV Out-of-Service.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change would revise TS Section 3.4.3 to lower the required number of operable SRVs and SVs from a total of 13 to 12, and raise the RCS SL from 1,325 to 1,340 psig. The RPV overpressure protection capability of the 12 operable SRVs and SVs is adequate to ensure the ASME code allowable peak pressure limits are not exceeded. The SRVs and SVs are not being modified or operated differently and will continue to operate to meet the design basis requirements for RPV overpressure protection. The proposed change does not introduce any new failure modes that could result in a new or different accident. The proposed change does not alter the manner in which the RPV overpressure protection system is operated and functions and thus, there is no new failure mechanisms for the overpressure protection system. The plant response to the design basis accidents, AOO events and Special Events remains bounded by existing analyses. These events were analyzed under the proposed conditions and it was confirmed that the existing analyses remain bounding for the condition of adding a second SRV/SV Out-of-Service at the current licensed thermal power.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed involve a significant reduction in a margin of safety?

Response: No.

The margin of safety is established through the design of the plant structures, systems and components, the parameters within which the plant is operated, and the establishment of setpoints for the actuation of equipment relied upon to respond to an event. The proposed change does not change the setpoints at which the protective actions are initiated. The proposed change would revise TS Section 3.4.3 to lower the required number of operable SRVs and SVs and raise the RCS SL from 1,325 to 1,340 psig. The RPV overpressure protection capability of the 12 operable SRVs and SVs is adequate to ensure the ASME code allowable peak pressure limits are not exceeded. The plant response to the design basis accidents, AOO events and Special Events remains bounded by existing analyses. These events were analyzed under the proposed conditions and it was confirmed that for the peak vessel pressure in the overpressure event, there is still over 20 psi margin to the American Society of Mechanical Engineer (ASME) code overpressure limit. This margin also includes the penalty due to the TRACG statistical pressure adder required to be included in the analysis results, thereby providing additional analytical margin. Raising the dome pressure safety limit by 15 psi from 1,325 to 1,340 psig still provides sufficient margin for the peak pressure vessel pressure and thus continues to support the ASME code overpressure limit requirements. Compliance with the ASME upset code requirements for vessel overpressure protection is still ensured with this change to the dome pressure safety limit (1,340 psig) to support operation with two SRVOOS.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

From the above analysis, the licensee concluded that the proposed amendment presents no significant hazards consideration under the standards set forth in 10 CFR 50.92(c)(1)–(3), and accordingly, a finding of ''no significant hazards consideration'' is justified.

The NRC staff reviewed the licensee's analysis of 10 CFR 50.92(c)(1)–(3). Concerning the standard in 50.92(c)(3) (concerning whether a proposed amendment would involve a significant reduction in a margin of safety), the NRC staff elected to use its own analysis in place of the licensee's. The staff's analysis of 50.92(c)(3) is below. The margin of safety is established through (1) the establishment of setpoints for the actuation of equipment relied upon to respond to an event, (2) the design of the plant structures, systems, and components, and (3) the parameters within which the plant is operated. The proposed change does not change the setpoints at which the protective actions are initiated. The proposed design change to lower the required number of operable SRVs and SVs does not significantly reduce the margin of safety because the RPV overpressure protection capability of the 12 operable SRVs and SVs is adequate to ensure the ASME code allowable peak pressure limits are not exceeded.

The plant response to the design basis accidents, AAOs, and Special Events remains bounded by existing analyses.

These events were analyzed under the proposed conditions and it was confirmed that for the peak vessel pressure in the overpressure event, there is still over 20 psi margin before reaching the ASME code overpressure limit. The proposed increase of the dome pressure safety limit from 1,325 to 1,340 psig still provides sufficient margin for the allowed peak vessel pressure and, therefore, continues to support the ASME code overpressure limit requirements.

Compliance with the ASME code requirements for upset conditions of vessel overpressure protection is still ensured with this change to the dome pressure safety limit to support operation with two SRVs out of service.

Therefore, because the proposed change does not affect the setpoints at which equipment relied upon to respond to an event, and the design changes and plant parameters do not exceed the ASME code allowable pressure limits, the change does not ''[i]nvolve a significant reduction in a margin of safety'' under 10 CFR 50.92(c)(3).

Based on its review of the licensee's analysis, and on the NRC staff's additional analysis of 50.92(c)(3), it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: J. Bradley Fewell, Esquire, Vice President and Deputy General Counsel, Exelon Generation Company, LLC, 200 Exelon Way, Kennett Square, Pennsylvania 19348.

NRC Branch Chief: James G. Danna.

Exelon Generation Company, LLC, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units 2 and 3, York County, Pennsylvania

Date of amendment request: August 27, 2018. A publicly-available version is in ADAMS under Accession No. ML18239A355.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The amendments would revise the Technical Specifications to support the proposed compensatory measures for operation of the Leading Edge Flow Meter (LEFM) system at three separate intermediate power levels for an indefinite period when the mass flow input to the core thermal power calculation is from one, two, or three feedwater lines in check mode with none in fail mode, and a fourth intermediate power level when not more than one LEFM is in fail mode, and flow measurement is being provided by the associated feedwater flow nozzle. The proposed changes would allow operation at power levels commensurate with the uncertainties in the measurement of core thermal power (CTP) and reduce the magnitude of the required reactivity maneuver and plant power level change for degradation of the LEFM system.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below, with NRC edits in square brackets:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

[T]he proposed change does not significantly increase the probability or consequences of an accident previously evaluated.

The proposed change does not affect system design or operation and thus does not create any new accident initiators or increase the probability of an accident previously evaluated. Accident mitigation systems are not affected and will function as designed.

The proposed change does not increase the licensed thermal power level and will not cause the thermal power level at which the ECCS have been analyzed in accordance with Appendix K to 10 CFR 50 to be exceeded. All safety analyses continue to be bounded by the safety analyses for the current licensed thermal power.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

[T]he proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

No new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of operation at power levels based on the uncertainties in the calculation of CTP for the stated LEFM system conditions. Calculation of the uncertainty associated with these plant conditions as well as existing plant instrumentation and procedures ensure that the licensed thermal power and the thermal power level at which the ECCS have been analyzed in accordance with Appendix K to 10 CFR 50 will not be exceeded. No new equipment or procedure changes are involved that could add new accident initiators.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

[T]he proposed change does not involve a significant reduction in a margin of safety.

Operation at power levels based on the uncertainties in the calculation of CTP for the stated LEFM system conditions does not involve a significant reduction in a margin of safety. Calculation of the uncertainties associated with the measurement of core thermal power for these plant conditions as well as existing plant instrumentation and procedures ensure that the licensed thermal power and the thermal power level at which the ECCS have been analyzed in accordance with Appendix K to 10 CFR 50 will not be exceeded.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: J. Bradley Fewell, Vice President and Deputy General Counsel, Exelon Generation Company, LLC, 200 Exelon Way, Kennett Square, PA 19348.

NRC Branch Chief: James G. Danna.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation. Peach Bottom Atomic Power Station, Unit Nos. 2 and 3, York County, Pennsylvania

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing Sensitive Unclassified Non-Safeguards Information (SUNSI).

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request access to SUNSI. A ''potential party'' is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication of this notice will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requester shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Deputy General Counsel for Hearings and Administration, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email address for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *RidsOgcMailCenter.Resource@nrc.gov,* respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and

(3) The identity of the individual or entity requesting access to SUNSI and the requester's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's ''E-Filing Rule,'' the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order [2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after receipt of (or access to) that information. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff after a determination on standing and requisite need, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requester may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

(3) Further appeals of decisions under this paragraph must be made pursuant to 10 CFR 2.311.

H. Review of Grants of Access. A party other than the requester may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed within 5 days of the notification by the NRC staff of its grant of access and must be filed with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. The attachment to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated at Rockville, Maryland, this 11th day of October 2018.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION IN THIS PROCEEDING

Day	Event/activity
0	Publication of **Federal Register** notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: Supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).
20	U.S. Nuclear Regulatory Commission (NRC) staff informs the requester of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no ''need'' or no likelihood of standing, the deadline for petitioner/requester to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds ''need'' for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

[3] Requesters should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION IN THIS PROCEEDING—Continued

Day	Event/activity
A	If access granted: issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of opportunity to request a hearing and petition for leave to intervene), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

[FR Doc. 2018–22576 Filed 11–5–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0246]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued, from October 6, 2018, to October 22, 2018. The last biweekly notice was published on October 23, 2018.

DATES: Comments must be filed by December 6, 2018. A request for a hearing must be filed by January 7, 2019.

ADDRESSES: You may submit comments by any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0246. Address questions about Docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* May Ma, Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Paula Blechman, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2242, email: *Paula.Blechman@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0246 facility name, unit number(s), plant docket number, application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0246.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2018–0246 facility name, unit number(s), plant docket number, application date, and subject in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in section 50.92 of title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (First Floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within

its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at *http://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing

information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

Duke Energy Progress, LLC, Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of amendment request: August 30, 2018. A publicly-available version is in ADAMS under Accession No. ML18242A395.

Description of amendment request: The proposed amendments would add new Required Actions (RAs) and Completion Times (CTs) for three inoperable Control Room air conditioning (AC) subsystems to Technical Specification (TS) 3.7.4, ''Control Room Air Conditioning (AC) System.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed). The proposed change adds new RAs and CTs for three inoperable Control Room AC subsystems. The equipment qualification temperature of the control room equipment is not affected. Future changes to the Bases or licensee-controlled document will be evaluated pursuant to the requirements of 10 CFR 50.59, *Changes, tests and experiments,* to ensure that such changes do not result in more than a minimal increase in the probability or consequences of an accident previously evaluated.

The proposed change does not adversely affect accident initiators or precursors nor alter the design assumptions, conditions, and configuration of the facility or the way the plant is operated and maintained. The proposed change does not adversely affect the ability of structures, systems and components (SSCs) to perform their intended safety function to mitigate the consequences of an initiating event within the assumed acceptance limits. The proposed change does not affect the source term, containment isolation, or radiological consequences of any accident previously evaluated. Further, the proposed change does not increase the types and the amounts of radioactive effluent that may be released, nor significantly increase individual or cumulative occupation/public radiation exposures.

Therefore, the proposed amendments do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change adds new RAs and CTs for three inoperable Control Room AC subsystems. The change does not involve a physical altering of the plant (*i.e.,* no new or different type of equipment will be installed) or a change in methods governing normal plant operation. The proposed TSs continue to require maintaining the control room temperature within the design limits.

Therefore, the proposed amendments do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change adds new RAs and CTs for three inoperable Control Room AC subsystems. Instituting the proposed change will continue to maintain the control room temperature within design limits. Changes to the Bases or licensee-controlled document are performed in accordance with 10 CFR 50.59. This approach provides an effective level of regulatory control and ensures that the control room temperature will be maintained within design limits.

Therefore, the proposed amendments do not result in a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Kathryn B. Nolan, Deputy General Counsel, 550 South Tryon Street, M/C DEC45A, Charlotte, NC 28202.

NRC Branch Chief: Undine Shoop.

Duke Energy Progress, LLC, Docket No. 50–400, Shearon Harris Nuclear Power Plant, Unit 1 (HNP), Wake and Chatham Counties, North Carolina

Date of amendment request: August 13, 2018. A publicly-available version is in ADAMS under Accession No. ML18226A022.

Description of amendment request: The amendment would revise the Emergency Plan Emergency Action Level (EAL) scheme for HNP associated with the fission product barrier degradation EAL thresholds, and the cold shutdown/refueling system malfunction EAL thresholds.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes affect the HNP Emergency Plan EAL scheme and do not alter any of the requirements of the Operating License or the Technical Specifications. The proposed changes do not reduce the effectiveness of the HNP Emergency Plan or the HNP Emergency Response Organization. The proposed changes do not modify any plant equipment and do not impact any failure modes that could lead to an accident. Additionally, the proposed changes do not impact the consequence of any analyzed accident since the changes do not affect any equipment related to accident mitigation. Based on this discussion, the proposed amendment does not increase the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes affect the HNP Emergency Plan EAL scheme and do not alter any of the requirements of the Operating License or the Technical Specifications. These changes do not modify any plant equipment and there is no impact on the capability of the existing equipment to perform their intended functions. No new failure modes are introduced by the proposed changes. The proposed amendment does not introduce any accident initiator or malfunctions that would cause a new or different kind of accident. Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

These changes affect the HNP Emergency Plan EAL scheme and do not alter any of the requirements of the Operating License or the Technical Specifications. The proposed changes do not affect any of the assumptions used in the accident analysis, nor do they affect any operability requirements for equipment important to plant safety. Therefore, the proposed changes will not result in a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: David Cummings, Associate General Counsel, Duke Energy Corporation, 550 South Tryon St., M/C DEC45A, Charlotte, NC 28202.

NRC Branch Chief: Undine Shoop.

Entergy Nuclear Operations, Inc., Docket No. 50–293, Pilgrim Nuclear

Power Station (PNPS), Plymouth County, Massachusetts

Date of amendment request: August 1, 2018. A publicly-available version is in ADAMS under Accession No. ML18218A184.

Description of amendment request: The amendment would revise the PNPS Emergency Plan and Emergency Action Level (EAL) scheme to support a permanently shutdown and defueled condition at PNPS.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes to the PNPS Emergency Plan and EAL scheme do not impact the function of facility structures, systems, or components. The proposed changes do not affect accident initiators or precursors, nor do they alter design assumptions that could increase the probability or consequences of previously evaluated accidents. The proposed changes do not prevent the ability of the on-shift staff and emergency response organization to perform their intended functions to mitigate the consequences of any accident or event that will be credible in the permanently defueled condition.

The probability of occurrence of previously evaluated accidents is not increased because most previously analyzed accidents can no longer occur and the probability of the few remaining credible accidents are unaffected by the proposed amendment.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes reduce the scope of the PNPS Emergency Plan and EAL scheme commensurate with the hazards associated with a permanently shut down and defueled facility. The proposed changes do not involve installation of new equipment or modification of existing equipment that could create the possibility of a new or different kind of accident. Also, the proposed changes do not result in a change to the way that the equipment or facility is operated so that no new or different kinds of accident initiators are created.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Margin of safety is associated with confidence in the ability of the fission product barriers (*i.e.,* fuel cladding, reactor coolant system pressure boundary, and containment structure) to limit the level of radiation dose to the public. The proposed changes are associated with the PNPS Emergency Plan and EAL scheme and do not impact operation of the facility or its response to transients or accidents. The change does not affect the Technical Specifications. The proposed changes do not involve a change in the method of facility operation, and no accident analyses will be affected by the proposed changes. Safety analysis acceptance criteria are not affected by the proposed changes. The revised Emergency Plan will continue to provide the necessary response staff commensurate with the reduction in consequences of radiological events that will be possible at PNPS when the facility is in the permanently defueled condition and therefore, there is no reduction in the margin of safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Susan H. Raimo, Senior Counsel, Entergy Services, Inc., 101 Constitution Avenue NW, Suite 200 East, Washington, DC 20001.

NRC Branch Chief: Douglas A. Broaddus.

Entergy Nuclear Operations, Inc., Docket No. 50–293, Pilgrim Nuclear Power Station (PNPS), Plymouth County, Massachusetts

Date of amendment request: September 13, 2018. A publicly-available version is in ADAMS under Accession No. ML18260A085.

Description of amendment request: The amendment would revise the Renewed Facility Operating License (RFOL) and the associated Technical Specifications (TSs) to Permanently Defueled Technical Specifications consistent for a facility in a permanently shutdown and defueled condition. The amendment would revise certain requirements contained within the RFOL and TS and remove the requirements that would no longer be applicable upon docketing the certification of permanent fuel removal from the reactor vessel at PNPS. The amendment would also make administrative and editorial changes, such as renumbering of pages, where appropriate, and condense and reduce the number of pages.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment would not take effect until PNPS has permanently ceased operation, entered a permanently defueled condition, and met the decay requirements established in the analysis of the Fuel Handling Accident (FHA). The proposed amendment would modify the PNPS [RF]OL and TS by deleting the portions of the OL and TS that are no longer applicable to a permanently defueled facility, while modifying the other sections to correspond to the permanently defueled condition. This change is consistent with the criteria set forth in 10 CFR 50.36 for the contents of TS.

Section 14 of the PNPS Updated Final Safety Analysis Report (UFSAR) describes the design basis accident (DBA) and transient scenarios applicable to PNPS during power operations. After the reactor is in a permanently defueled condition, the spent fuel pool (SFP) and its cooling systems will be dedicated only to spent fuel storage. In this condition, the spectrum of credible accidents will be much smaller than for an operational plant. After the certifications are docketed for PNPS in accordance with 10 CFR 50.82(a)(1), and the consequent removal of authorization to operate the reactor or to [em]place or retain fuel in the reactor vessel in accordance with 10 CFR 50.82(a)(2), the majority of the accident scenarios previously postulated in the UFSAR will no longer be possible and will be removed from the UFSAR under the provisions of 10 CFR 50.59.

The deletion of TS definitions and rules of usage and application requirements that will not be applicable in a defueled condition has no impact on facility structures, systems, and components (SSCs) or the methods of operation of such SSCs. The deletion of design features and safety limits not applicable to the permanently shut down and defueled status of PNPS has no impact on the remaining applicable DBAs, *i.e.,* the FHA and the radioactive waste handling accident (High Integrity Container (HIC) Drop Event).

The removal of LCOs [limiting conditions of operations] or SRs [surveillance requirements] that are related only to the operation of the nuclear reactor or only to the prevention, diagnosis, or mitigation of reactor-related transients or accidents do not affect the applicable DBAs previously evaluated since these DBAs are no longer applicable in the permanently defueled condition. The safety functions involving core reactivity control, reactor heat removal, reactor coolant system inventory control, and containment integrity are no longer applicable at PNPS as a permanently shut down and defueled facility. The analyzed accidents involving damage to the reactor

coolant system, main steam lines, reactor core, and the subsequent release of radioactive material will no longer be possible at PNPS.

After PNPS permanently ceases operation, the future generation of fission products will cease and the remaining source term will decay. The radioactive decay of the irradiated fuel following shut down of the reactor will have reduced the consequences of the FHA below those previously analyzed.

The SFP water level and fuel storage TSs are retained to preserve the current requirements for safe storage of irradiated fuel. SFP cooling and makeup related equipment and support equipment (*e.g.,* electrical power systems) are not required to be continuously available since there will be sufficient time to effect repairs, establish alternate sources of makeup flow, or establish alternate sources of cooling in the event of a loss of cooling and makeup flow to the SFP.

The deletion and modification of provisions of the administrative controls do not directly affect the design of SSCs necessary for safe storage of irradiated fuel or the methods used for handling and storage of such fuel in the fuel pool. The changes to the administrative controls do not affect any accidents applicable to the safe management of irradiated fuel or the permanently shut down and defueled condition of the reactor.

The probability of occurrence of previously evaluated accidents is not increased, since extended operation in a defueled condition will be the only operation allowed, and therefore bounded by the existing analyses. Additionally, the occurrence of postulated accidents associated with reactor operation will no longer be credible in a permanently defueled reactor. This significantly reduces the scope of applicable accidents.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes to the PNPS OL and TSs have no impact on facility SSCs affecting the safe storage of irradiated fuel, or on the methods of operation of such SSCs, or on the handling and storage of irradiated fuel itself. The removal of TS that are related only to the operation of the nuclear reactor or only to the prevention, diagnosis, or mitigation of reactor-related transients or accidents, cannot result in different or more adverse failure modes or accidents than previously evaluated because the reactor will be permanently shut down and defueled and PNPS will no longer be authorized to operate the reactor.

The proposed deletion of requirements of the PNPS OL and TS do not affect systems credited in the accident analyses for the FHA or the HIC Drop Event at PNPS. The proposed OL and TS will continue to require proper control and monitoring of safety significant parameters and activities.

The TS regarding SFP water level and fuel storage required is retained to preserve the current requirements for safe storage of irradiated fuel. The restriction on the SFP water level is fulfilled by normal operating conditions and preserves initial conditions assumed in the analyses of the postulated DBA.

The proposed amendment does not result in any new mechanisms that could initiate damage to the remaining relevant safety barriers for defueled plants (fuel cladding and spent fuel cooling). Since extended operation in a defueled condition will be the only operation allowed, and therefore bounded by the existing analyses, such a condition does not create the possibility of a new or different kind of accident.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Because the 10 CFR part 50 license for PNPS will no longer authorize operation of the reactor or emplacement or retention of fuel into the reactor vessel after the certifications required by 10 CFR 50.82(a)(1) are docketed for PNPS as specified in 10 CFR 50.82(a)(2), the occurrence of postulated accidents associated with reactor operation are no longer credible. The only remaining credible accidents are the FHA and a radioactive waste handling accident (HIC Drop Event). The proposed amendment does not adversely affect the inputs or assumptions of any of the design basis analyses that impact the remaining DBAs.

The proposed changes are limited to those portions of the OL and TS that are not related to the safe storage of irradiated fuel. The requirements that are proposed to be revised or deleted from the PNPS OL and TS are not credited in the existing accident analyses for the remaining DBAs; and as such, do not contribute to the margin of safety associated with the accident analyses. Postulated design basis accidents involving the reactor will no longer be possible because the reactor will be permanently shut down and defueled and PNPS will no longer be authorized to operate the reactor.

Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Susan H. Raimo, Senior Counsel, Entergy Services, Inc., 101 Constitution Avenue NW, Suite 200 East, Washington, DC 20001.

NRC Branch Chief: Douglas A. Broaddus.

Exelon Generation Company, LLC, Docket No. STN 50–455, Byron Station, Unit No. 2, Ogle County, Illinois

Date of amendment request: March 8, 2018. A publicly-available version is in ADAMS under Accession No. ML18067A431.

Description of amendment request: The amendment would add a License Condition to the Byron Station, Unit No. 2, Renewed Facility Operating License, Appendix C, ''Additional Conditions,'' that authorizes use of two lead test assemblies (LTAs) containing a limited number of accident tolerant fuel (ATF) lead test rods (LTRs) during Byron, Unit No. 2, Refueling Cycles 22, 23, and 24.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change involves only a very small number of LTRs, which will be conservatively designed from a neutronic standpoint, and are thermal-hydraulically and mechanically compatible with all plant Systems, Structures and Components (SSCs). The fuel pellets and fuel rods themselves will have no impact on accident initiators or precursors. There will not be a significant impact on the operation of any plant SSC or on the progression of any operational transient or design basis accident. There will be no impact on any procedure or administrative control designed to prevent or mitigate any accident.

The Westinghouse Encore® and ADOPT™ (with and without chromium-coated cladding) LTAs are of the same design as the co-resident fuel in the core, with the exception of containing a limited number of LTRs in place of the standard fuel rods. The LTAs will be placed in nonlimiting core locations. The Byron Station, Unit 2, [Refueling] Cycle, 22, 23 and 24 reload designs will meet all applicable design criteria. Evaluations of the LTAs will be performed as part of the [refueling] cycle specific reload safety analysis to confirm that the acceptance criteria of the existing safety analyses will continue to be met. Operation of the Westinghouse Encore® and ADOPT™ fuel will not significantly increase the predicted radiological consequences of accidents currently postulated in the Updated Final Safety Analysis Report.

Based on the above discussion, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

The proposed change involves the use of a very small number of LTRs in two LTAs which are very similar in all aspects to the co-resident fuel, as noted in Question 1. The proposed change does not change the design function or operation of any SSC, and does

not introduce any new failure mechanism, malfunction, or accident initiator not considered in the current design and licensing bases.

The Byron Station Unit 2 reactor cores will be designed to meet all applicable design and licensing basis criteria. Demonstrated adherence to these standards and criteria precludes new challenges to components and systems that could introduce a new type of accident. The reload core designs for the [refueling] cycles in which the Westinghouse LTAs will operate (*i.e.,* [Refueling] Cycles 22, 23 and 24) will demonstrate that the use of the LTAs in nonlimiting core locations is acceptable. The relevant design and performance criteria will continue to be met and no new single failure mechanisms will be created. The use of Westinghouse LTAs does not involve any alteration to plant equipment or procedures that would introduce any new or unique operational modes or accident precursors.

Therefore, the proposed change will not create the possibility of a new or different kind of accident than those previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

Operation of Byron Station Unit 2 with two Westinghouse LTAs containing a limited number of LTRs, placed in nonlimiting core locations, does not change the performance requirements on any system or component such that any design criteria will be exceeded. The current limits on core operation defined in the Byron Station Technical Specifications will remain applicable to the subject LTAs during [Refueling] Cycles 22, 23 and 24. Westinghouse analytical codes and methods will be used, and supplemented as necessary using conservative assumptions, to confirm that all applicable limits associated with the LTAs (*e.g.,* fuel thermal mechanical limits, core thermal hydraulic limits, Emergency Core Cooling Systems limits, nuclear limits such as Shutdown Margin, transient analysis limits and accident analysis limits) remain bounded by the current analysis of record.

To further assure no reduction in the margin of safety, the LTRs will be designed with reduced uranium enrichment and will be placed in non-limiting core locations as noted above. With respect to non-fuel SSCs, there is no reduction in the margin of safety for any safety limit, limiting safety system setting, limiting condition of operation, instrument setpoint, or any other design parameter.

Based on this evaluation, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: David J. Wrona.

Exelon Generation Company, LLC and PSEG Nuclear LLC, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station (PBAPS), Units 2 and 3, York and Lancaster Counties, Pennsylvania

Date of amendment request: September 28, 2018. A publicly-available version is in ADAMS under Accession No. ML18275A023.

Description of amendment request: The amendment would revise the PBAPS, Units 2 and 3, design and licensing basis described in the Updated Final Safety Analysis Report (UFSAR) to reduce the design pressure rating of the High Pressure Service Water (HPSW) system. This change will provide additional corrosion margin in the HPSW system pipe wall thickness, increasing the margin of safety for the existing piping. This one-time change would be implemented starting in the fall of 2019 and would expire for both units on December 31, 2020.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The HPSW system does not initiate any accidents discussed in Chapter 14 of the PBAPS, Units 2 and 3 UFSAR. A shutdown cooling (RHR [residual heat removal] system) malfunction leading to a moderator temperature decrease could result from mis-operation of the cooling water controls for the RHR heat exchangers, as described in UFSAR Section 14.5.2.4. The resulting temperature decrease causes a slow insertion of positive reactivity into the core. However, the proposed change to the HPSW system design pressure will not affect the initiator for this accident. The proposed reduction of the HPSW system design pressure has been evaluated for effects on system piping and components using appropriate codes and standards. The proposed changes do not introduce any failure mechanisms that would initiate a previously analyzed accident. The HPSW and RHR systems remain capable of performing their UFSAR-described design functions for accident mitigation. Moreover, the design and operability requirements currently addressed by the PBAPS Technical Specifications (TS) are unaffected and the design basis radiological analysis of analyzed accidents is unchanged. Thus, the consequences of analyzed accidents are not increased.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes will reduce the design and operating pressure in a portion of the HPSW system. This change will not introduce a new mode of plant operation. The system flowrate and heat removal rate for design basis events are not changed. No new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of the proposed changes. All accident analysis criteria continue to be met and there are no adverse effects on any safety-related system.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The margin of safety is established through the design of the plant structures, systems, and components, the parameters within which the plant is operated and the setpoints for the actuation of equipment relied upon to respond to an event. The reduction in HPSW system design pressure permits continued operation of the HPSW and RHR systems in accordance with the plant safety analysis. The core and containment heat removal functions of the HPSW and RHR systems are not affected. The proposed change does not alter the safety limits or safety analysis assumptions associated with the operation of the plant.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Rd., Warrenville, IL 60555.

NRC Branch Chief: James G. Danna.

Indiana Michigan Power Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant (CNP), Unit Nos. 1 and 2, Berrien County, Michigan

Date of amendment request: September 5, 2018. A publicly-available version is in ADAMS under Accession No. ML18250A185.

Description of amendment request: The proposed change would modify technical specification (TS) Section 5.5.15, ''Battery Monitoring and Maintenance Program,'' to align with

the latest Institute of Electrical and Electronics Engineers (IEEE) Standard.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The design of the protection systems will be unaffected. The reactor protection system and engineered safety feature actuation system will continue to function in a manner consistent with the plant design basis. All design, material and construction standards that were applicable prior to the request are maintained. The proposed amendment will not alter any assumptions or change any mitigation actions in the radiological consequence evaluations in the Updated Final Safety Analysis Report (UFSAR).

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

No new accident scenarios, failure mechanisms, or single failures are introduced as a result of the proposed change. All systems, structures, and components previously required for the mitigation of an event remain capable of fulfilling their intended design function. The proposed change has no adverse effects on any safety related systems or components and does not challenge the performance or integrity of any safety related system. Further, there are no changes in the method by which any safety-related plant system performs its safety function. This amendment will not affect the normal method of power operation or change any operating parameters.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The margin of safety is established through equipment design, operating parameters; and the setpoints at which automatic actions are initiated. The equipment margins will be maintained in accordance with the plant-specific design bases. The proposed changes will not adversely affect operation of plant equipment. These changes will not result in a change to the setpoints at which protective actions are initiated. Sufficient Direct Current (DC) capacity to support operation of mitigation equipment is ensured. The changes associated with the Battery Maintenance and Monitoring Program will ensure that the station batteries are maintained in a highly reliable manner. The equipment fed by the DC electrical sources will continue to provide adequate power to safety-related loads in accordance with analysis assumptions.

The TS changes maintain the same level of equipment performance stated in the UFSAR and the current TSs. Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

The proposed change does not involve a significant reduction in a margin of safety because the proposed changes do not reduce the margin of safety that exists in the present CNP TS or UFSAR. The operability requirements of the TS are consistent with the initial condition assumptions of the safety analyses.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Robert B. Haemer, Senior Nuclear Counsel, Indiana Michigan Power Company, One Cook Place, Bridgman, MI 49106.

NRC Branch Chief: David J. Wrona.

NextEra Energy, Point Beach, LLC, Docket Nos. 50–266 and 50–301, Point Beach Nuclear Plant, Units 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of amendment request: July 30, 2018. A publicly-available version is in ADAMS under Accession No. ML18214A730.

Description of amendment request: The amendments would revise the requirements on control and shutdown rods, and rod and bank position indication in Technical Specification (TS) 3.1.4, ''Rod Group Alignment Limits''; TS 3.1.5, ''Shutdown Bank Insertion Limits''; TS 3.1.6, ''Control Bank Insertion Limits''; and TS 3.1.7, ''Rod Position Indication.'' The changes provide time to repair rod movement failures that do not affect rod operability, provide time for analog position indication instruments to read accurately after rod movement, correct conflicts between the TS, and increase consistency and improve the presentation.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

Control and shutdown rods are assumed to insert into the core to shut down the reactor in evaluated accidents. Rod insertion limits ensure that adequate negative reactivity is available to provide the assumed shutdown margin (SDM). Rod alignment and overlap limits maintain an appropriate power distribution and reactivity insertion profile.

Control and shutdown rods are initiators to several accidents previously evaluated, such as rod ejection. The proposed change does not change the limiting conditions for operation for the rods or make any technical changes to the Surveillance Requirements (SRs) governing the rods. Therefore, the proposed change has no significant effect on the probability of any accident previously evaluated.

Revising the TS Actions to provide a limited time to repair rod movement control has no effect on the SDM assumed in the accident analysis as the proposed Action require verification that SDM is maintained. The effects on power distribution will not cause a significant increase in the consequences of any accident previously evaluated as all TS requirements on power distribution continue to be applicable.

Therefore, the assumptions used in any accidents previously evaluated are unchanged and there is no significant increase in the consequences.

The consequences of an accident that might occur during the one-hour period provided for the analog rod position indication to stabilize after rod movement are no different from the consequences of the accident under the existing actions with the rod declared inoperable.

The proposed change to resolve the conflicts in the TS ensure that the intended Actions are followed when equipment is inoperable. Actions taken with inoperable equipment are not assumptions in the accidents previously evaluated and have no significant effect on the consequences.

The proposed change to increase consistency within the TS has no effect on the consequences of accidents previously evaluated as the proposed change clarifies the application of the existing requirements and does not change the intent.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

The proposed change does not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed). The change does not alter assumptions made in the safety analyses. The proposed change does not alter the limiting conditions for operation for the rods or make any technical changes to the SRs governing the rods. The proposed change to actions maintains or improves safety when equipment is inoperable and does not introduce new failure modes.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change to allow time for rod position indication to stabilize after rod movement and to allow an alternative method of verifying rod position has no effect on the safety margin, as actual rod position is not affected. The proposed change to provide time to repair rods that are operable but immovable does not result in a significant reduction in the margin of safety because all rods must be verified to be operable, and all other banks must be within the insertion limits. The remaining proposed changes to make the requirements internally consistent and to eliminate unnecessary actions do not affect the margin of safety as the changes do not affect the ability of the rods to perform their specified safety function.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Debbie Hendell, Managing Attorney—Nuclear, Florida Power & Light Company, Mail Stop: LAW/JB, 700 Universe Boulevard, Juno Beach, FL 33408–0420.

NRC Branch Chief: David J. Wrona.

Tennessee Valley Authority, Docket No. 50–390, Watts Bar Nuclear Plant (WBN), Units 1 and 2, Rhea County, Tennessee

Date of amendment request: July 23, 2018. A publicly available version is in ADAMS under Accession No. ML18205A492.

Description of amendment request: The amendments would revise the Units 1 and 2 Technical Specification (TS) 4.2.1, ''Fuel Assemblies,'' to allow the use of Optimized ZIRLO™ fuel rod cladding material. They would also revises Units 1 and 2 TS 5.9.5, ''Core Operating Limits Report (COLR),'' to add Westinghouse Electric Company Topical Reports WCAP–12610–P–A and CENPD–404–P–A, Addendum 1–A, ''Optimized ZIRLO™,'' to the list of analytical methods used to determine the core operating limits approved by the NRC. In addition, the amendments would correct the spelling of the word Zircaloy in WBN Unit 1 TS 4.2.1 only, add the word ''clad'' after the proposed phrase ''Optimized ZIRLO™,'' capitalize the word ''Zirlo,'' and add a registered trademark designator to the word ''ZIRLO.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment will allow the use of Optimized ZIRLO clad nuclear fuel at WBN Units 1 and 2. The NRC approved topical report WCAP–12610–P–A and CENPD–404–P–A, Addendum 1–A, which addresses Optimized ZIRLO fuel rod cladding and demonstrates that Optimized ZIRLO fuel rod cladding has essentially the same properties as currently licensed ZIRLO® fuel rod cladding. The use of Optimized ZIRLO fuel rod cladding material will not result in adverse changes to the operation or configuration of the facility. The fuel cladding itself is not an accident initiator and does not affect accident probability. Use of Optimized ZIRLO meets the fuel design acceptance criteria and hence does not significantly affect the consequences of an accident.

Therefore, the proposed TS change does not result in a significant increase in the probability or consequences of an accident previously evaluated within the WBN [Unit 1 and] Unit 2 UFSAR [Updated Final Safety Analysis Report].

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The use of Optimized ZIRLO fuel rod cladding material will not result in adverse changes to the operation or configuration of the facility. WCAP–12610–P–A and CENPD–404–P–A, Addendum 1–A demonstrated that the material properties of Optimized ZIRLO fuel rod cladding are similar to those of ZIRLO fuel rod cladding. Therefore, Optimized ZIRLO fuel rod cladding will perform similarly to ZIRLO fuel rod cladding, thus precluding the possibility of the fuel rod cladding becoming an accident initiator and causing a new or different kind of accident.

Therefore, the proposed TS change does not create the possibility of a new or different kind of accident from any accident previously evaluated is not created.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

WCAP–12610–P–A and CENPD–404–P–A, Addendum 1–A, demonstrated that the material properties of the Optimized ZIRLO fuel rod cladding are similar to those of ZIRLO fuel rod cladding. Optimized ZIRLO fuel rod cladding is expected to perform similarly to ZIRLO fuel rod cladding for normal operating and accident scenarios, including both loss-of-coolant accident (LOCA) and non-LOCA scenarios. The use of Optimized ZIRLO fuel rod cladding will not result in adverse changes to the operation or configuration of the facility.

Therefore, the proposed TS change does not [involve] a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, 6A West Tower, Knoxville, TN 37902.

NRC Branch Chief: Undine Shoop.

III. Previously Published Notices of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Vistra Operations Company LLC, Docket Nos. 50–445 and 50–446, Comanche Peak Nuclear Power Plant (CPNPP), Unit Nos. 1 and 2, Somervell County, Texas

Date of amendment request: September 5, 2018, as supplemented by letters dated September 20 and October 3, 2018. Publicly-available versions are in ADAMS under Accession Nos. ML18250A186, ML18267A059, and ML18277A207, respectively.

Brief description of amendment request: The amendments would revise the CPNPP Technical Specification 3.8.4, ''DC [Direct Current] Sources—Operating,'' by adding a new REQUIRED ACTION to CONDITION B and an extended COMPLETION TIME, on a one-time basis to repair two affected battery cells on the CPNPP Unit 1, Train B safety-related batteries.

Date of publication of individual notice in ***Federal Register****:* October 10, 2018 (83 FR 50971).

Expiration date of individual notice: October 24, 2018 (public comments); December 10, 2018 (hearing requests).

IV. Notice of Issuance of Amendments To Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

Arizona Public Service Company, et al., Docket Nos. STN 50–528, STN 50–529, and STN 50–530, Palo Verde Nuclear Generating Station, Unit Nos. 1, 2, and 3 (Palo Verde), Maricopa County, Arizona

Date of amendment request: July 19, 2017, as supplemented by letters dated May 9, July 13, and August 10, 2018.

Brief description of amendments: The amendments modified the licensing basis by the addition of a license condition to allow the implementation of the provisions of 10 CFR 50.69, ''Risk-informed categorization and treatment of structures, systems and components for nuclear power reactors,'' for Palo Verde. The provisions of 10 CFR 50.69 allow adjustment of the scope of equipment subject to special treatment controls (*e.g.,* quality assurance, testing, inspection, condition monitoring, assessment, and evaluation). For equipment determined to be of low safety significance, alternative treatment requirements can be implemented in accordance with this regulation. For equipment determined to be of high safety significance, requirements will not be changed or will be enhanced.

Date of issuance: October 10, 2018.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment Nos.: 207 (Unit 1), 207 (Unit 2), and 207 (Unit 3). A publicly-available version is in ADAMS under Accession No. ML18243A280; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF–41, NPF–51, and NPF–74: The amendments revised the Renewed Facility Operating Licenses.

Date of initial notice in ***Federal Register****:* September 26, 2017 (82 FR 44850). The supplements dated May 9, July 13, and August 10, 2018, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 10, 2018.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Units 1 and 2, Will County, Illinois and Docket Nos. STN 50–454 and STN 50–455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois

Date of amendment request: September 1, 2017, as supplemented by letters dated April 4, 2018, June 13, 2018, and September 13, 2018.

Brief description of amendments: The amendments revised the licensing basis by the addition of a license condition to allow for the implementation of the provisions of 10 CFR 50.69, ''Risk-informed categorization and treatment of structures, systems and components for nuclear power reactors.'' The provisions of 10 CFR 50.69 allow adjustment of the scope of equipment subject to special treatment controls (*e.g.,* quality assurance, testing, inspection, condition monitoring, assessment, and evaluation). For equipment determined to be of low safety significance, alternative treatment requirements can be implemented in accordance with this regulation. For equipment determined to be of high safety significance, requirements will not be changed or will be enhanced.

Date of issuance: October 22, 2018.

Effective date: As of the date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment Nos: Braidwood—198/198 and Byron—204/204. A publicly-available version is in ADAMS under Accession No. ML18264A092; documents related to these amendments are listed in the related Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF–72, NPF–77, NPF–37, and NPF–66: The amendments revised the Renewed Facility Operating Licenses.

Date of initial notice in Federal Register: November 21, 2017 (82 FR 55404).

The supplements dated April 4, 2018, June 13, 2018, and September 13, 2018, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 22, 2018.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. 50–373 and 50–374, LaSalle County Station (LSCS), Units 1 and 2, LaSalle County, Illinois

Date of amendment request: December 13, 2017, as supplemented by letter dated June 18, 2018.

Brief description of amendments: The amendments revised the LSCS, Units 1 and 2, Technical Specifications to adopt Technical Specifications Task Force (TSTF)–542, Reactor Pressure Vessel Water Inventory Control.

Date of issuance: October 15, 2018.

Effective date: As of the date of issuance and shall be implemented for LSCS, Units 1 and 2 prior to initial entry into Mode 4 during the LSCS Unit 2 refueling outage in 2019 (*i.e.,* L2R17), which is currently scheduled to occur in February 2019.

Amendment Nos.: 230 (Unit 1) and 216 (Unit 2). A publicly-available

version is in ADAMS under Accession No. ML18226A202; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF–11 and NPF–18: The amendments revised the Renewed Facility Operating Licenses and Technical Specifications.

Date of initial notice in ***Federal Register***: February 13, 2018 (83 FR 6223). The supplemental letter dated June 18, 2018, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 15, 2018.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket No. 50–219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date amendment request: August 29, 2017, as supplemented by letter dated February 13, 2018.

Brief description of amendment: The amendment revised the site emergency plan and emergency action level scheme for the permanently shutdown and defueled condition.

Date of issuance: October 17, 2018.

Effective date: The amendment is effective 12 months (365 days) following the permanent cessation of power operations and shall be implemented within 60 days of the effective date, but no later than March 28, 2021.

Amendment No.: 294. A publicly-available version is in ADAMS under Accession No. ML18221A400; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–16: Amendment revised the emergency plan and emergency action level scheme.

Date of initial notice in ***Federal Register***: October 24, 2017 (82 FR 49238). The supplemental letter dated February 13, 2018, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 17, 2018.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant (VEGP), Units 3 and 4, Burke County, Georgia

Date of amendment request: July 28, 2017, as supplemented by letters dated January 23, March 23, June 21, and August 9, 2018.

Description of amendment: The amendment authorized the Southern Nuclear Operating Company to change the VEGP Units 3 and 4 plant-specific Combined License (COL) Appendix A, Technical Specifications (TS) as incorporated into the VEGP Units 3 and 4 COLs. The amendment consisted of changes to the COL Appendix A TS related to reactivity controls and other miscellaneous changes. The amendment revised the COL Appendix A, plant-specific TS by modifying the TS to make them consistent with the design, licensing basis, and other related TS.

Date of issuance: August 23, 2018.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: 138 (Unit 3) and 137 (Unit 4). A publicly-available version is in ADAMS under Accession No. ML18100A110; documents related to the amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Combined License Nos. NPF–91 and NPF–92: Amendment revised the Facility Combined Licenses.

Date of initial notice in ***Federal Register***: December 5, 2017 (82 FR 57469). The supplemental letters dated January 23, March 23, June 21 and August 9, 2018 provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazard determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in the Safety Evaluation dated August 23, 2018.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket Nos. 50–259, 50–260, and 50–296, Browns Ferry Nuclear Plant (Browns Ferry), Units 1, 2, and 3, Limestone County, Alabama

Date of amendment request: May 3, 2018.

Brief description of amendment: The amendments revised the Browns Ferry, Units 1, 2, and 3, Renewed Facility Operating Licenses to provide a correction to previously submitted information in relation to their approved fire protection program under 10 CFR 50.48(c), ''National Fire Protection Association Standard NFPA 805.'' Specifically, the amendments modified the Browns Ferry licenses to reflect changes to Item 3.3.4 in Table B–1, ''Transition of Fundamental Fire Protection Program & Design Elements,'' of Attachment A in the NRC-approved amendments regarding NFPA 805 dated March 27, 2013.

Date of issuance: October 9, 2018.

Effective date: As of the date of issuance and shall be implemented immediately.

Amendment Nos.: 306 (Unit 1); 329 (Unit 2); and 289 (Unit 3). A publicly-available version is in ADAMS under Accession No. ML18241A319; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–33, DPR–52, and DPR–68: The amendments revised the Renewed Facility Operating Licenses.

Date of initial notice in ***Federal Register***: July 17, 2018 (83 FR 33270).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 9, 2018.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 25th day of October, 2018.

For the Nuclear Regulatory Commission.

Craig G. Erlanger,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2018–23782 Filed 11–5–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–1051; ASLBP No. 18–958–01–ISFSI–BD01]

Establishment of Atomic Safety and Licensing Board: Holtec International

Pursuant to delegation by the Commission, *see* 37 FR 28710 (Dec. 29, 1972), and the Commission's regulations, *see, e.g.,* 10 CFR 2.104, 2.105, 2.300, 2.309, 2.313, 2.318, 2.321, notice is hereby given that an Atomic Safety and Licensing Board (Board) is being established to preside over the following proceeding:

Holtec International

(HI–STORE Consolidated Interim Storage Facility)

This proceeding involves an application by Holtec International requesting a license to construct and operate the HI–STORE Consolidated Interim Storage Facility in Lea County, New Mexico. In response to a notice published in the **Federal Register** announcing the opportunity to request a hearing, *see* 83 FR 32919 (July 16, 2018), multiple requests for hearing and requests to participate as an interested local governmental body have been filed.

The Board is comprised of the following Administrative Judges:

- Paul S. Ryerson, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.
- Nicholas G. Trikouros, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.
- Dr. Gary S. Arnold, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

All correspondence, documents, and other materials shall be filed in accordance with the NRC E-Filing rule. *See* 10 CFR 2.302.

Dated: October 31, 2018, in Rockville, Maryland.

Edward R. Hawkens,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 2018–24193 Filed 11–5–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of November 5, 12, 19, 26, December 3, 10, 2018.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of November 5, 2018

There are no meetings scheduled for the week of November 5, 2018.

Week of November 12, 2018—Tentative

There are no meetings scheduled for the week of November 12, 2018.

Week of November 19, 2018—Tentative

There are no meetings scheduled for the week of November 19, 2018.

Week of November 26, 2018—Tentative

Thursday, November 29, 2018

9:45 a.m.
Affirmation Session (Public Meeting) (Tentative)
Motion to Quash Office of Investigations Subpoena Filed by Reed College (Tentative)

Thursday, November 29, 2018

10:00 a.m. Briefing on Security Issues (Closed Ex. 1).

Week of December 3, 2018—Tentative

Monday, December 3, 2018

10:00 a.m. Briefing on Equal Employment Opportunity, Affirmative Employment, and Small Business (Public).
(Contact: Larniece McKoy Moore: 301–415–1942)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Thursday, December 6, 2018

10:00 a.m. Meeting with Advisory Committee on Reactor Safeguards (Public)

(Contact: Mark Banks: 301–415–3718)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of December 10, 2018—Tentative

There are no meetings scheduled for the week of December 10, 2018.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.* The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Kimberly Meyer-Chambers, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or you may email *Patricia.Jimenez@nrc.gov* or *Wendy.Moore@nrc.gov.*

Dated at Rockville, Maryland, this 2nd day of November, 2018.

For the Nuclear Regulatory Commission.

Denise L. McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2018–24324 Filed 11–2–18; 11:15 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Notice—December 5, 2018 Public Hearing

TIME AND DATE: 1:00 p.m., Wednesday, December 5, 2018.

PLACE: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue NW, Washington, DC

STATUS: Hearing OPEN to the Public at 1:00 p.m.

MATTERS TO BE CONSIDERED: This will be a Public Hearing, held in conjunction with each meeting of OPIC's Board of Directors, to afford an opportunity for any person to present views regarding the activities of the Corporation.

Individuals wishing to address the hearing orally must provide advance notice to OPIC's Corporate Secretary no later than 5 p.m. Tuesday, November 27, 2018. The notice must include the individual's name, title, organization, address, and telephone number, and a concise summary of the subject matter to be presented.

Oral presentations may not exceed ten (10) minutes. The time for individual presentations may be reduced proportionately, if necessary, to afford all participants who have submitted a timely request an opportunity to be heard.

Participants wishing to submit a written statement for the record must submit a copy of such statement to OPIC's Corporate Secretary no later than 5 p.m. Tuesday, November 27, 2018. Such statement must be typewritten, double spaced, and may not exceed twenty-five (25) pages.

Upon receipt of the required notice, OPIC will prepare an agenda, which will be available at the hearing, that identifies speakers, the subject on which each participant will speak, and the time allotted for each presentation.

A written summary of the hearing will be compiled, and such summary will be made available, upon written request to OPIC's Corporate Secretary, at the cost of reproduction. Written summaries of the projects to be presented at the

December 13, 2018, Board meeting will be posted on OPIC's website.

CONTACT PERSON FOR INFORMATION: Information on the hearing may be obtained from Catherine F. I. Andrade at (202) 336–8768, via facsimile at (202) 408–0297, or via email at *Catherine.Andrade@opic.gov*.

Dated: November 1, 2018.

Catherine F. I. Andrade,

OPIC Corporate Secretary.

[FR Doc. 2018–24253 Filed 11–2–18; 11:15 am]

BILLING CODE 3210–01–P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

Summary: In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

1. Title and purpose of information collection: Employer's Quarterly Report of Contributions under the Railroad Unemployment Insurance Act; OMB 3220–0012.

Under Section 8 of the Railroad Unemployment Insurance Act (RUIA), as amended by the Railroad Unemployment Improvement Act of 1988 (Pub. L. 100–647), the RRB determines the amount of an employer's contribution, primarily on the basis of the RUIA benefits paid, both unemployment and sickness, to the employees of the railroad employer. These experienced-based contributions take into account the frequency, volume, and duration of the employees' unemployment and sickness benefits. Each employer's contribution rate includes a component for administrative expenses as well as a component to cover costs shared by all employers. The regulations prescribing the manner and conditions for remitting the contributions and for adjusting overpayments or underpayments of contributions are contained in 20 CFR 345.

RRB Form DC–1, Employer's Quarterly Report of Contributions under the Railroad Unemployment Insurance Act, is used by railroad employers to report and remit their quarterly contributions to the RRB. Employers can use either the manual version of the form or its internet equivalent. One response is requested quarterly of each respondent and completion is mandatory. The RRB proposes the following changes to the manual and electronic versions of Form DC–1:

- Manual version—Minor non-burden impacting editorial changes.
- *Pay.gov* version.
- Combined Paperwork Reduction Act link and form instructions link into one that reads ''Click for Instructions and Paperwork Reduction Act Notice.''
- Other minor non-burden impacting editorial changes.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form number	Annual responses	Time (minutes)	Burden (hours)
DC–1 (RRB.Gov)	720	25	300
DC–1 (Pay.Gov)	1,680	25	700
Total	2,400	.....	1,000

2. Title and purpose of information collection: Nonresident Questionnaire; OMB 3220–0145.

Under Public Laws 98–21 and 98–76, benefits under the Railroad Retirement Act payable to annuitants living outside the United States may be subject to taxation under United States income tax laws. Whether the social security equivalent and non-social security equivalent portions of Tier I, Tier II, vested dual benefit, or supplemental annuity payments are subject to tax withholding, and whether the same or different rates are applied to each payment, depends on a beneficiary's citizenship and legal residence status, and whether exemption under a tax treaty between the United States and the country in which the beneficiary is a legal resident has been claimed. To effect the required tax withholding, the Railroad Retirement Board (RRB) needs to know a nonresident's citizenship and legal residence status.

To secure the required information, the RRB utilizes Form RRB–1001, *Nonresident Questionnaire,* as a supplement to an application as part of the initial application process, and as an independent vehicle for obtaining the needed information when an annuitant's residence or tax treaty status changes. Completion is voluntary. One response is requested of each respondent. The RRB proposes the following changes to Form RRB–1001:

- Renumbered Items A through C and G to Items 1 through 4.
- Renumbered Items 1 through 5 to Items 5 through 9.
- Removed Item D, CNTRY CODE; Item E, CITZ CODE; and Item F, NRA TAX CODE as the information collected by them is no longer needed.
- Removed the General Instructions and the Paperwork Reduction Act and Privacy Act Notices from the back of the form as they are included in the Form TB–26 instructions, which is an enclosure.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form number	Annual responses	Time (minutes)	Burden (hours)
RRB–1001 (initial filing)	300	30	250

ESTIMATE OF ANNUAL RESPONDENT BURDEN—Continued

Form number	Annual responses	Time (minutes)	Burden (hours)
RRB–1001 (tax renewal)	1,000	30	400
Total	1,300		650

3. Title and purpose of information collection: Statement of Claimant or Other Person; OMB 3220–0183.

To support an application for an annuity under Section 2 of the Railroad Retirement Act (RRA) or for unemployment benefits under Section 2 of the Railroad Unemployment Insurance Act (RUIA), pertinent information and proofs must be furnished for the RRB to determine benefit entitlement. Circumstances may require an applicant or other person(s) having knowledge of facts relevant to the applicant's eligibility for an annuity or benefits to provide written statements supplementing or changing statements previously provided by the applicant. Under the railroad retirement program these statements may relate to a change in an annuity beginning date(s), date of marriage(s), birth(s), prior railroad or non-railroad employment, an applicant's request for reconsideration of an unfavorable RRB eligibility determination for an annuity or various other matters. The statements may also be used by the RRB to secure a variety of information needed to determine eligibility to unemployment and sickness benefits. Procedures related to providing information needed for RRA annuity or RUIA benefit eligibility determinations are prescribed in 20 CFR 217 and 320 respectively.

The RRB utilizes Form G–93, *Statement of Claimant or Other Person,* to obtain from applicants or other persons, the supplemental or corrective information needed to determine applicant eligibility for an RRA annuity or RUIA benefits. Completion is voluntary. One response is requested of each respondent. The RRB proposes no changes to Form G–93.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form number	Annual responses	Time (minutes) *1/*	Burden (hours)
G–93	60	15	15

Additional Information or Comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, contact Dana Hickman at (312) 751–4981 or *Dana.Hickman@RRB.GOV.* Comments regarding the information collection should be addressed to Brian Foster, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–1275 or emailed to *Brian.Foster@rrb.gov.* Written comments should be received within 60 days of this notice.

Brian Foster,

Clearance Officer.

[FR Doc. 2018–24236 Filed 11–5–18; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:

Regulation S–T; SEC File No. 270–375; OMB Control No. 3235–424.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Regulation S–T (17 CFR 232.10 through 232.501) sets forth the general requirements and procedures for the electronic submission of documents on the Electronic Data Gathering, Analysis and Retrieval (''EDGAR'') System. Regulation S–T is assigned one burden hour for administrative convenience because it does not directly impose any information collection requirements.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

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 control number.

Please direct your written comment to Charles Riddle, Acting Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: October 31, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–24211 Filed 11–5–18; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice: 10592]

30-Day Notice of Proposed Information Collection: Affidavit of Physical Presence or Residence, Parentage and Support

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments directly to the Office of Management and Budget (OMB) up to December 6, 2018.

ADDRESSES:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Derek A. Rivers, Bureau of Consular Affairs, Overseas Citizens Services (CA/OCS/PMO), U.S. Department of State, 2201 C St. NW, Washington, DC 20522, who may be reached at *mailto:RiversDA@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Affidavit of Physical Presence or Residence, Parentage and Support.
- *OMB Control Number:* 1405–0187.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Bureau of Consular Affairs, Overseas Citizens Services (CA/OCS).
- *Form Number:* DS–5507.
- *Respondents:* Individuals or Households.
- *Estimated Number of Respondents:* 17,950.
- *Estimated Number of Responses:* 17,950.
- *Average Time per Response:* 30 minutes.
- *Total Estimated Burden Time:* 8,975 hours.
- *Frequency:* On occasion.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The information gathered, including dates, places and purposes for time spent in the United States and abroad, is necessary to determine whether a U.S. national biological parent(s) of a child born abroad or in a United States territory has met the statutory physical presence or residence requirements for his or her child to acquire U.S. nationality at birth; and whether a U.S. national father of a child born abroad out of wedlock has met additional requirements of 8 U.S.C. 1409(a) in relation to biological parentage and legal relationship with and financial support of his child born abroad out of wedlock, in order for such child to acquire U.S. nationality at birth.

Methodology

The information is collected in person or is submitted by mail. The form may be accessed online, completed electronically, printed, and signed; or it may be downloaded, printed, and filled out manually.

Michelle Bernier-Toth,

Managing Director, Bureau of Consular Affairs, Overseas Citizens Services, Department of State.

[FR Doc. 2018–24204 Filed 11–5–18; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Bond Guarantee Program, FY 2019; Notice of Guarantee Availability

Funding Opportunity Title: Notice of Guarantee Availability (NOGA) inviting Qualified Issuer Applications and Guarantee Applications for the Community Development Financial Institutions (CDFI) Bond Guarantee Program.

Announcement Type: Announcement of opportunity to submit Qualified Issuer Applications and Guarantee Applications.

Catalog of Federal Domestic Assistance (CFDA) Number: 21.011.

Dates: Qualified Issuer Applications and Guarantee Applications may be submitted to the CDFI Fund starting on the date of publication of this NOGA. In order to be considered for the issuance of a Guarantee in FY 2019, Qualified Issuer Applications must be submitted by 11:59 p.m. Eastern Standard Time (EST) on February 19, 2019 and Guarantee Applications must be submitted by 11:59 p.m. EST on February 26, 2019. If applicable, CDFI Certification Applications must be received by the CDFI Fund by 11:59 p.m. EST on December 3, 2018. Under FY 2019 authority, which is contingent upon Congressional authorization, Bond Documents and Bond Loan documents must be executed, and Guarantees will be provided, in the order in which Guarantee Applications are approved or by such other criteria that the CDFI Fund may establish, in its sole discretion, and in any event by September 30, 2019.

Executive Summary: This NOGA is published in connection with the CDFI Bond Guarantee Program, administered by the Community Development Financial Institutions Fund (CDFI Fund), the U.S. Department of the Treasury (Treasury). Through this NOGA, the CDFI Fund announces the availability of up to $1 billion of Guarantee Authority in FY 2019, contingent upon Congressional authorization. This NOGA explains application submission and evaluation requirements and processes, and provides agency contacts and information on CDFI Bond Guarantee Program outreach. Parties interested in being approved for a Guarantee under the CDFI Bond Guarantee Program must submit Qualified Issuer Applications and Guarantee Applications for consideration in accordance with this NOGA.

Capitalized terms used in this NOGA and not defined elsewhere are defined in the CDFI Bond Guarantee Program regulations (12 CFR 1808.102) and the CDFI Program regulations (12 CFR 1805.104).

I. Guarantee Opportunity Description

A. *Authority.* The CDFI Bond Guarantee Program was authorized by the Small Business Jobs Act of 2010 (Pub. L. 111–240; 12 U.S.C. 4713a) (the Act). Section 1134 of the Act amended the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4701, *et seq.*) to provide authority to the Secretary of the Treasury (Secretary) to establish and administer the CDFI Bond Guarantee Program.

B. *Bond Issue size; Amount of Guarantee authority.* In FY 2019, the Secretary may guarantee Bond Issues having a minimum Guarantee of $100 million each, up to an aggregate total of $1 billion, contingent upon Congressional authorization.

C. *Program summary.* The purpose of the CDFI Bond Guarantee Program is to support CDFI lending by providing Guarantees for Bonds issued for Eligible Community or Economic Development Purposes, as authorized by section 1134 and 1703 of the Act. The Secretary, as the Guarantor of the Bonds, will provide a 100 percent Guarantee for the repayment of the Verifiable Losses of Principal, Interest, and Call Premium of Bonds issued by Qualified Issuers. Qualified Issuers, approved by the CDFI Fund, will issue Bonds that will be purchased by the Federal Financing Bank. The Qualified Issuer will use 100 percent of Bond Proceeds to provide Bond Loans to Eligible CDFIs, which will use Bond Loan proceeds for Eligible Community and Economic Development Purposes, including providing Secondary Loans to Secondary Borrowers.

D. *Review of Guarantee Applications, in general.*

1. Qualified Issuer Applications submitted with Guarantee Applications will have priority for review over Qualified Issuer Applications submitted without Guarantee Applications. With the exception of the aforementioned prioritized review, all Qualified Issuer Applications and Guarantee Applications will be reviewed by the CDFI Fund on an ongoing basis, in the order in which they are received, or by such other criteria that the CDFI Fund may establish in its sole discretion.

2. Guarantee Applications that are incomplete or require the CDFI Fund to request additional or clarifying information may delay the ability of the CDFI Fund to move the Guarantee Application to the next phase of review. Submitting an incomplete Guarantee Application earlier than other applicants does not ensure first approval.

3. Qualified Issuer Applications and Guarantee Applications that were received in FY 2018 and that were neither withdrawn nor declined in FY 2018 will be considered under FY 2019 authority.

4. Pursuant to the Regulations at 12 CFR 1808.504(c), the Guarantor may limit the number of Guarantees issued per year or the number of Guarantee Applications accepted to ensure that a sufficient examination of Guarantee Applications is conducted.

E. *Additional reference documents.* In addition to this NOGA, the CDFI Fund encourages interested parties to review the following documents, which have been posted on the CDFI Bond Guarantee Program page of the CDFI Fund's website at *http://www.cdfifund.gov/bond*.

1. CDFI Bond Guarantee Program Regulations. The regulations that govern the CDFI Bond Guarantee Program were published on February 5, 2013 (78 FR 8296; 12 CFR part 1808) (the Regulations), and provide the regulatory requirements and parameters for CDFI Bond Guarantee Program implementation and administration including general provisions, eligibility, eligible activities, applications for Guarantee and Qualified Issuer, evaluation and selection, terms and conditions of the Guarantee, Bonds, Bond Loans, and Secondary Loans.

2. Application materials. Details regarding Qualified Issuer Application and Guarantee Application content requirements are found in this NOGA and the respective application materials.

3. Program documentation. Interested parties should review the template Bond Documents and Bond Loan documents that will be used in connection with each Guarantee. The template documents are posted on the CDFI Fund's website for review. Such documents include, among others:

a. The Agreement to Guarantee, which describes the roles and responsibilities of the Qualified Issuer, will be signed by the Qualified Issuer and the Guarantor, and will include term sheets as exhibits that will be signed by each individual Eligible CDFI;

b. The Bond Trust Indenture, which describes responsibilities of the Master Servicer/Trustee in overseeing the Trust Estate and servicing of the Bonds, and will be entered into by the Qualified Issuer and the Master Servicer/Trustee;

c. The Bond Loan Agreement, which describes the terms and conditions of Bond Loans, and will be entered into by the Qualified Issuer and each Eligible CDFI that receives a Bond Loan;

d. The Bond Purchase Agreement, which describes the terms and conditions under which the Bond Purchaser will purchase the Bonds issued by the Qualified Issuer, and will be signed by the Bond Purchaser, the Qualified Issuer, the Guarantor and the CDFI Fund; and

e. The Future Advance Promissory Bond, which will be signed by the Qualified Issuer as its promise to repay the Bond Purchaser.

The template documents may be updated periodically, as needed, and will be tailored, as appropriate, to the terms and conditions of a particular Bond, Bond Loan, and Guarantee.

The Bond Documents and the Bond Loan documents reflect the terms and conditions of the CDFI Bond Guarantee Program and will not be substantially revised or negotiated prior to execution.

F. *Frequently Asked Questions.* The CDFI Fund will periodically post on its website responses to questions that are asked by parties interested in the CDFI Bond Guarantee Program.

G. *Designated Bonding Authority.* The CDFI Fund has determined that, for purposes of this NOGA, it will not solicit applications from entities seeking to serve as a Qualified Issuer in the role of the Designated Bonding Authority, pursuant to 12 CFR 1808.201, in FY 2019.

H. *Noncompetitive process.* The CDFI Bond Guarantee Program is a non-competitive program through which Qualified Issuer Applications and Guarantee Applications will undergo a merit-based evaluation (meaning, applications will not be scored against each other in a competitive manner in which higher ranked applicants are favored over lower ranked applicants).

I. *Relationship to other CDFI Fund programs.*

1. Award funds received under any other CDFI Fund Program cannot be used by any participant, including Qualified Issuers, Eligible CDFIs, and Secondary Borrowers, to pay principal, interest, fees, administrative costs, or issuance costs (including Bond Issuance Fees) related to the CDFI Bond Guarantee Program, or to fund the Risk-Share Pool for a Bond Issue.

2. Bond Proceeds may be combined with New Markets Tax Credits (NMTC) derived equity (*i.e.,* leveraged loan) to make a Qualified Equity Investment (QEI) in a Community Development Entity or to refinance a Qualified Low-Income Community Investment (QLICI) at the beginning of the seven (7) year NMTC compliance period only under

the following circumstances: If an Eligible CDFI proposes to use Bond Loan proceeds to finance a leveraged loan in a transaction that includes a NMTC investment, the Eligible CDFI must provide: (1) Additional collateral in the form of Other Pledged Loans or Cash Collateral; (2) a payment guarantee or similar Credit Enhancement; and/or (3) other assurances that are required by Treasury such as additional collateral or Credit Enhancements.

3. Credit Enhancements, and/or assurances must be from a non-Federal source, remain in force during the entire seven-year NMTC compliance period, and comply with the Secondary Loan Requirements. These requirements may be included in the term sheet (which is an exhibit to the Agreement to Guarantee that must be signed by the Eligible CDFI) and the final Bond Loan terms.

4. Bond Proceeds may not be used to refinance a leveraged loan during the seven-year NMTC compliance period. However, Bond Proceeds may be used to refinance a QLICI after the seven-year NMTC compliance period has ended, so long as all other programmatic requirements are met.

5. The terms Qualified Equity Investment, Community Development Entity, and QLICI are defined in the NMTC Program's authorizing statute, 26 U.S.C. 45D.

J. *Relationship and interplay with other Federal programs and Federal funding.* Eligible CDFIs may not use Bond Loans to refinance existing Federal debt or to service debt from other Federal credit programs.

1. The CDFI Bond Guarantee Program underwriting process will include a comprehensive review of the Eligible CDFI's concentration of sources of funds available for debt service, including the concentration of sources from other Federal programs and level of reliance on said sources, to determine the Eligible CDFI's ability to service the additional debt.

2. In the event that the Eligible CDFI proposes to use other Federal funds to service Bond Loan debt or as a Credit Enhancement, the CDFI Fund may require, in its sole discretion, that the Eligible CDFI provide written assurance from such other Federal program, in a form that is acceptable to the CDFI Fund and that the CDFI Fund may rely upon, that said use is permissible.

K. *Contemporaneous application submission.* Qualified Issuer Applications may be submitted contemporaneously with Guarantee Applications; however, the CDFI Fund will review an entity's Qualified Issuer Application and make its Qualified Issuer determination prior to approving a Guarantee Application. As noted above in D (1), review priority will be given to any Qualified Issuer Application that is accompanied by a Guarantee Application.

L. *Other restrictions on use of funds.* Bond Proceeds may not be used to finance or refinance any trade or business consisting of the operation of any private or commercial golf course, country club, massage parlor, hot tub facility, suntan facility, racetrack or other facility used for gambling, or any store the principal business of which is the sale of alcoholic beverages for consumption off-premises. Bond Proceeds may not be used to finance or refinance tax- exempt obligations or finance or refinance projects that are also financed by tax-exempt obligations if: (a) Such financing or refinancing results in the direct or indirect subordination of the Bond Loan or Bond Issue to the tax-exempt obligations or (b) such financing or refinancing results in a corresponding guarantee of the tax-exempt obligation. Qualified Issuers and Eligible CDFIs must ensure that any financing made in conjunction with tax-exempt obligations complies with CDFI Bond Guarantee Program Regulations.

II. General Application Information

The following requirements apply to all Qualified Issuer Applications and Guarantee Applications submitted under this NOGA, as well as any Qualified Issuer Applications and Guarantee Applications submitted under the FY 2018 NOGA that were neither withdrawn nor declined in FY 2018.

A. *CDFI Certification Requirements.*

1. In general. By statute and regulation, the Qualified Issuer applicant must be either a Certified CDFI (an entity that has been certified by the CDFI Fund as meeting the CDFI certification requirements set forth in 12 CFR 1805.201) or an entity designated by a Certified CDFI to issue Bonds on its behalf. An Eligible CDFI must be a Certified CDFI as of the Bond Issue Date and must maintain its CDFI certification throughout the term of the corresponding Bond.

2. CDFI Certification requirements. Pursuant to the regulations that govern CDFI certification (12 CFR 1805.201), an entity may be certified if it is a legal entity (meaning, that it has properly filed articles of incorporation or other organizing documents with the State or other appropriate body in the jurisdiction in which it was legally established, as of the date the CDFI Certification Application is submitted) and meets the following requirements:

a. Primary mission requirement (12 CFR 1805.201(b)(1)): To be a Certified CDFI, an entity must have a primary mission of promoting community development, which mission must be consistent with its Target Market. In general, the entity will be found to meet the primary mission requirement if its incorporating documents or board-approved narrative statement (*i.e.,* mission statement or resolution) clearly indicate that it has a mission of purposefully addressing the social and/or economic needs of Low-Income individuals, individuals who lack adequate access to capital and/or financial services, distressed communities, and other underserved markets. An Affiliate of a Controlling CDFI, seeking to be certified as a CDFI (and therefore, approved to be an Eligible CDFI to participate in the CDFI Bond Guarantee Program), must demonstrate that it meets the primary mission requirement on its own merit, pursuant to the regulations and the CDFI Certification Application and related guidance materials posted on the CDFI Fund's website.

b. Financing entity requirement (12 CFR 1805.201(b)(2)): To be a Certified CDFI, an entity must demonstrate that its predominant business activity is the provision of Financial Products and Financial Services, Development Services, and/or other similar financing.

i. On April 10, 2015, the CDFI Fund published a revision of 12 CFR 1805.201(b)(2), the section of the CDFI certification regulation that governs the ''financing entity'' requirement. The regulatory change creates a means for the CDFI Fund, in its discretion, to deem an Affiliate (meaning, in this case, an entity that is Controlled by a CDFI; see 12 CFR 1805.104(b)) to have met the financing entity requirement based on the financing activity or track record of the Controlling CDFI (Control is defined in 12 CFR 1805.104(q)), solely for the purpose of participating in the CDFI Bond Guarantee Program as an Eligible CDFI.

In order for the Affiliate to rely on the Controlling CDFI's financing track record, (A) the Controlling CDFI must be a Certified CDFI; (B) there must be an operating agreement that includes management and ownership provisions in effect between the two entities (prior to the submission of a CDFI Certification Application and in form and substance that is acceptable to the CDFI Fund); and (C) the Affiliate must submit a complete CDFI Certification Application to the CDFI Fund no later than 11:59 p.m. EST on December 3, 2018 in order it to be considered for CDFI certification and participation in the FY 2019

application round of the CDFI Bond Guarantee Program.

This regulatory revision affects only the Affiliate's ability to meet the financing entity requirement for purposes of CDFI certification: said Affiliate must meet the other certification criteria in accordance with the existing regulations governing CDFI certification.

ii. The revised regulation also states that, solely for the purpose of participating in the CDFI Bond Guarantee Program, the Affiliate's provision of Financial Products and Financial Services, Development Services, and/or other similar financing transactions need not be arms-length in nature if such transaction is by and between the Affiliate and Controlling CDFI, pursuant to an operating agreement that (a) includes management and ownership provisions, (b) is effective prior to the submission of a CDFI Certification Application, and (c) is in form and substance that is acceptable to the CDFI Fund.

iii. An Affiliate whose CDFI certification is based on the financing activity or track record of a Controlling CDFI is not eligible to receive financial or technical assistance awards or tax credit allocations under any other CDFI Fund program until such time that the Affiliate meets the financing entity requirement based on its own activity or track record.

iv. If an Affiliate elects to satisfy the financing entity requirement based on the financing activity or track record of a Controlling CDFI, and if the CDFI Fund approves such Affiliate as an Eligible CDFI for the sole purpose of participation in the CDFI Bond Guarantee Program, said Affiliate's CDFI certification will terminate if: (A) It does not enter into Bond Loan documents with its Qualified Issuer within one (1) year of the date that it signs the term sheet (which is an exhibit to the Agreement to Guarantee); (B) it ceases to be an Affiliate of the Controlling CDFI; or (C) it ceases to adhere to CDFI certification requirements.

v. An Affiliate electing to satisfy the financing entity requirement based on the financing activity or track record of a Controlling CDFI need not have completed any financing activities prior to the date the CDFI Certification Application is submitted or approved. However, the Affiliate and the Controlling CDFI must have entered into the operating agreement described in (b)(i)(B) above, prior to such date, in form and substance that is acceptable to the CDFI Fund.

c. Target Market requirement (12 CFR 1805.201(b)(3)):

i. To be a Certified CDFI, an entity must serve at least one eligible Target Market (either an Investment Area or a Targeted Population) by directing at least 60% of all of its Financial Product activities to one or more eligible Target Market.

ii. Solely for the purpose of participation as an Eligible CDFI in the FY 2019 application round of the CDFI Bond Guarantee Program, an Affiliate of a Controlling CDFI may be deemed to meet the Target Market requirement by virtue of serving either:

(A) An Investment Area through ''borrowers or investees'' that serve the Investment Area or provide significant benefits to its residents (pursuant to 12 CFR 1805.201(b)(3)(ii)(F)). For purposes of this NOGA, the term ''borrower'' or ''investee'' includes a borrower of a loan originated by the Controlling CDFI that has been transferred to the Affiliate as lender (which loan must meet Secondary Loan Requirements), pursuant to an operating agreement with the Affiliate that includes ownership/investment and management provisions, which agreement must be in effect prior to the submission of a CDFI Certification Application and in form and substance that is acceptable to the CDFI Fund. Loans originated by the Controlling CDFI do not need to be transferred prior to application submission; however, such loans must be transferred before certification of the Affiliate is effective. If an Affiliate has more than one Controlling CDFI, it may meet this Investment Area requirement through one or more of such Controlling CDFIs' Investment Areas; or

(B) a Targeted Population ''indirectly or through borrowers or investees that directly serve or provide significant benefits to such members'' (pursuant to 12 CFR 1805.201(b)(3)(iii)(B)) if a loan originated by the Controlling CDFI has been transferred to the Affiliate as lender (which loan must meet Secondary Loan Requirements) and the Controlling CDFI's financing entity activities serve the Affiliate's Targeted Population pursuant to an operating agreement that includes ownership/investment and management provisions by and between the Affiliate and the Controlling CDFI, which agreement must be in effect prior to the submission of a CDFI Certification Application and in form and substance that is acceptable to the CDFI Fund. Loans originated by the Controlling CDFI do not need to be transferred prior to application submission; however, such loans must be transferred before certification of the Affiliate is effective. If an Affiliate has more than one Controlling CDFI, it may meet this Targeted Population requirement through one or more of such Controlling CDFIs' Targeted Populations.

An Affiliate that meets the Target Market requirement through paragraphs (ii) (A) or (B) above, is not eligible to receive financial or technical assistance awards or tax credit allocations under any other CDFI Fund program until such time that the Affiliate meets the Target Market requirements based on its own activity or track record.

iii. If an Affiliate elects to satisfy the target market requirement based on paragraphs (c)(ii)(A) or (B) above, the Affiliate and the Controlling CDFI must have entered into the operating agreement as described above, prior to the date that the CDFI Certification Application is submitted, in form and substance that is acceptable to the CDFI Fund.

d. Development Services requirement (12 CFR 1805.201(b)(4)): To be a Certified CDFI, an entity must provide Development Services in conjunction with its Financial Products. Solely for the purpose of participation as an Eligible CDFI in the FY 2019 application round of the CDFI Bond Guarantee Program, an Affiliate of a Controlling CDFI may be deemed to meet this requirement if: (i) Its Development Services are provided by the Controlling CDFI pursuant to an operating agreement that includes management and ownership provisions with the Controlling CDFI that is effective prior to the submission of a CDFI Certification Application and in form and substance that is acceptable to the CDFI Fund and (ii) the Controlling CDFI must have provided Development Services in conjunction with the transactions that the Affiliate is likely to purchase, prior to the date of submission of the CDFI Certification Application.

e. Accountability requirement (12 CFR 1805.201(b)(5)): To be a Certified CDFI, an entity must maintain accountability to residents of its Investment Area or Targeted Population through representation on its governing board and/or advisory board(s), or through focus groups, community meetings, and/or customer surveys. Solely for the purpose of participation as an Eligible CDFI in the FY 2019 application round of the CDFI Bond Guarantee Program, an Affiliate of a Controlling CDFI may be deemed to meet this requirement only if it has a governing board and/or advisory board that has the same composition as the Controlling CDFI and such governing board or advisory board has convened and/or conducted Affiliate business prior to the date of submission of the CDFI Certification Application. If an

Affiliate has multiple Controlling CDFIs, the governing board and/or advisory board may have a mixture of representatives from each Controlling CDFI so long as there is at least one representative from each Controlling CDFI.

f. Non-government entity requirement (12 CFR 1805.201(b)(6)): To be a Certified CDFI, an entity can neither be a government entity nor be controlled by one or more governmental entities.

g. For the FY 2019 application round of the CDFI Bond Guarantee Program, only one Affiliate per Controlling CDFI may participate as an Eligible CDFI. However, there may be more than one Affiliate participating as an Eligible CDFI in any given Bond Issue.

3. Operating agreement: An operating agreement between an Affiliate and its Controlling CDFI, as described above, must provide, in addition to the elements set forth above, among other items: (i) Conclusory evidence that the Controlling CDFI Controls the Affiliate, through investment and/or ownership; (ii) explanation of all roles, responsibilities and activities to be performed by the Controlling CDFI including, but not limited to, governance, financial management, loan underwriting and origination, record-keeping, insurance, treasury services, human resources and staffing, legal counsel, dispositions, marketing, general administration, and financial reporting; (iii) compensation arrangements; (iv) the term and termination provisions; (v) indemnification provisions, if applicable; (vi) management and ownership provisions; and (vii) default and recourse provisions.

4. For more detailed information on CDFI certification requirements, please review the CDFI certification regulation (12 CFR 1805.201, as revised on April 10, 2015) and CDFI Certification Application materials/guidance posted on the CDFI Fund's website. Interested parties should note that there are specific regulations and requirements that apply to Depository Institution Holding Companies, Insured Depository Institutions, Insured Credit Unions, and State-Insured Credit Unions.

5. Uncertified entities, including an Affiliate of a Controlling CDFI, that wish to apply to be certified and designated as an Eligible CDFI in the FY 2019 application round of the CDFI Bond Guarantee Program must submit a CDFI Certification Application to the CDFI Fund by 11:59 p.m. EST on December 3, 2018. Any CDFI Certification Application received after such date and time, as well as incomplete applications that are not amended by the deadline, will not be considered for the FY 2019 application round of the CDFI Bond Guarantee Program.

6. In no event will the Secretary approve a Guarantee for a Bond from which a Bond Loan will be made to an entity that is not an Eligible CDFI. The Secretary must make FY 2019 Guarantee Application decisions, and the CDFI Fund must close the corresponding Bonds and Bond Loans, prior to the end of FY 2019 (September 30, 2019). Accordingly, it is essential that CDFI Certification Applications are submitted timely and in complete form, with all materials and information needed for the CDFI Fund to make a certification decision. Information on CDFI certification, the CDFI Certification Application, and application submission instructions may be found on the CDFI Fund's website at *www.cdfifund.gov*.

B. *Application Submission.*

1. Electronic submission. All Qualified Issuer Applications and Guarantee Applications must be submitted electronically through the CDFI Fund's internet-based portal, which is assessed via the Awards Management Information System (AMIS). Applications sent by mail, fax, or other form will not be permitted, except in circumstances that the CDFI Fund, in its sole discretion, deems acceptable. Please note that Applications will not be accepted through *Grants.gov*. For more information on AMIS, please visit the AMIS Landing Page at *https://amis.cdfifund.gov*.

2. Applicant identifier numbers. Please note that, pursuant to Office of Management and Budget (OMB) guidance (68 FR 38402), each Qualified Issuer applicant and Guarantee applicant must provide, as part of its Application, its Dun and Bradstreet Data Universal Numbering System (DUNS) number, as well as DUNS numbers for its proposed Program Administrator, its proposed Servicer, and each Certified CDFI that is included in the Qualified Issuer Application and Guarantee Application. In addition, each Application must include a valid and current Employer Identification Number (EIN), with a letter or other documentation from the IRS confirming the Qualified Issuer applicant's EIN, as well as EINs for its proposed Program Administrator, its proposed Servicer, and each Certified CDFI that is included in any Application. An Application that does not include such DUNS numbers, EINs, and documentation is incomplete and will be rejected by the CDFI Fund. Applicants should allow sufficient time for the IRS and/or Dun and Bradstreet to respond to inquiries and/or requests for the required identification numbers.

3. System for Award Management (SAM). Registering with SAM is required for each Qualified Issuer applicant, its proposed Program Administrator, its proposed Servicer, and each Certified CDFI that is included in any Application. The CDFI Fund will not consider any Applications that do not meet the requirement that each entity must be properly registered before the date of Application submission. Any entity that needs to create a new account or update its current registration must register for a user account in SAM. The CDFI Fund does not manage the SAM registration process, so entities must contact SAM directly for issues related to registration. The CDFI Fund strongly encourages all applicants to ensure that their SAM registration (and the SAM registration for their Program Administrators, Servicers and each Certified CDFI that is included in the Qualified Issuer Application or Guarantee Application) is updated and that their accounts have not expired. For information regarding SAM registration, please visit *https://www.sam.gov*.

4. AMIS accounts. Each Qualified Issuer applicant, its proposed Program Administrator, its proposed Servicer, and each Certified CDFI that is included in the Qualified Issuer Application or Guarantee Application must register User and Organization accounts in AMIS. Each such entity must be registered as an Organization and register at least one User Account in AMIS. As AMIS is the CDFI Fund's primary means of communication with applicants with regard to its programs, each such entity must make sure that it updates the contact information in its AMIS account before any Application is submitted. For more information on AMIS, please visit the AMIS Landing Page at *https://amis.cdfifund.gov*.

C. *Form of Application.*

1. As of the date of this NOGA, the Qualified Issuer Application, the Guarantee Application, and related application guidance may be found on the CDFI Bond Guarantee Program's page on the CDFI Fund's website at *http://www.cdfifund.gov/bond*.

2. Paperwork Reduction Act. Under the Paperwork Reduction Act (44 U.S.C. chapter 35), an agency may not conduct or sponsor a collection of information, and an individual is not required to respond to a collection of information, unless it displays a valid OMB control number. Pursuant to the Paperwork Reduction Act, the Qualified Issuer Application, the Guarantee Application, and the Secondary Loan Requirements

have been assigned the following control number: 1559–0044.

3. Application deadlines. In order to be considered for the issuance of a Guarantee under FY 2019 program authority, Qualified Issuer Applications must be submitted by 11:59 p.m. EST on February 19, 2019, and Guarantee Applications must be submitted by 11:59 p.m. EST on February 26, 2019. Qualified Issuer Applications and Guarantee Applications received in FY 2018 that were neither withdrawn nor declined will be considered under FY 2019 authority. If applicable, CDFI Certification Applications must be received by the CDFI Fund by 11:59 p.m. EST on December 3, 2018.

4. Format. Detailed Qualified Issuer Application and Guarantee Application content requirements are found in the Applications and application guidance. The CDFI Fund will read only information requested in the Application and reserves the right not to read attachments or supplemental materials that have not been specifically requested in this NOGA, the Qualified Issuer, or the Guarantee Application. Supplemental materials or attachments such as letters of public support or other statements that are meant to bias or influence the Application review process will not be read.

5. Application revisions. After submitting a Qualified Issuer Application or a Guarantee Application, the applicant will not be permitted to revise or modify the Application in any way unless authorized or requested by the CDFI Fund.

6. Material changes.

a. In the event that there are material changes after the submission of a Qualified Issuer Application prior to the designation as a Qualified Issuer, the applicant must notify the CDFI Fund of such material changes information in a timely and complete manner. The CDFI Fund will evaluate such material changes, along with the Qualified Issuer Application, to approve or deny the designation of the Qualified Issuer.

b. In the event that there are material changes after the submission of a Guarantee Application (including, but not limited to, a revision of the Capital Distribution Plan or a change in the Eligible CDFIs that are included in the Application) prior to or after the designation as a Qualified Issuer or approval of a Guarantee Application or Guarantee, the applicant must notify the CDFI Fund of such material changes information in a timely and complete manner. The Guarantor will evaluate such material changes, along with the Guarantee Application, to approve or deny the Guarantee Application and/or determine whether to modify the terms and conditions of the Agreement to Guarantee. This evaluation may result in a delay of the approval or denial of a Guarantee Application.

D. *Eligibility and completeness review.* The CDFI Fund will review each Qualified Issuer and Guarantee Application to determine whether it is complete and the applicant meets eligibility requirements described in the Regulations, this NOGA, and the Applications. An incomplete Qualified Issuer Application or Guarantee Application, or one that does not meet eligibility requirements, will be rejected. If the CDFI Fund determines that additional information is needed to assess the Qualified Issuer's and/or the Certified CDFIs' ability to participate in and comply with the requirements of the CDFI Bond Guarantee Program, the CDFI Fund may require that the Qualified Issuer furnish additional, clarifying, confirming or supplemental information. If the CDFI Fund requests such additional, clarifying, confirming or supplemental information, the Qualified Issuer must provide it within the timeframes requested by the CDFI Fund. Until such information is provided to the CDFI Fund, the Qualified Issuer Application and/or Guarantee Application will not be moved forward for the substantive review process. The Guarantor shall approve or deny a Guarantee Application no later than 90 days after the date the Guarantee Application has been advanced for substantive review.

E. *Regulated entities.* In the case of Qualified Issuer applicants, proposed Program Administrators, proposed Servicers, and Certified CDFIs that are included in the Qualified Issuer Application or Guarantee Application that are Insured Depository Institutions and Insured Credit Unions, the CDFI Fund will consider information provided by, and views of, the Appropriate Federal Banking Agencies. If any such entity is a CDFI bank holding company, the CDFI Fund will consider information provided by the Appropriate Federal Banking Agencies of the CDFI bank holding company and its CDFI bank(s). Throughout the Application review process, the CDFI Fund will consult with the Appropriate Federal Banking Agency about the applicant's financial safety and soundness. If the Appropriate Federal Banking Agency identifies safety and soundness concerns, the CDFI Fund will assess whether the concerns cause or will cause the applicant to be incapable of undertaking activities related to the CDFI Bond Guarantee Program. The CDFI Fund also reserves the right to require a regulated applicant to improve safety and soundness conditions prior to being approved as a Qualified Issuer or Eligible CDFI. In addition, the CDFI Fund will take into consideration Community Reinvestment Act assessments of Insured Depository Institutions and/or their Affiliates.

F. *Prior CDFI Fund recipients.* All applicants must be aware that success under any of the CDFI Fund's programs is not indicative of success under this NOGA. Prior CDFI Fund recipients should note the following:

1. Pending resolution of noncompliance. If a Qualified Issuer applicant, its proposed Program Administrator, its proposed Servicer, or any of the Certified CDFIs included in the Qualified Issuer Application or Guarantee Application is a prior recipient or allocatee under any CDFI Fund program and (i) it has submitted reports to the CDFI Fund that demonstrate noncompliance with a previously executed agreement with the CDFI Fund, and (ii) the CDFI Fund has yet to make a final determination as to whether the entity is noncompliant with its previously executed agreement, the CDFI Fund will consider the Qualified Issuer Application or Guarantee Application pending full resolution, in the sole determination of the CDFI Fund, of the noncompliance.

2. Previous findings of noncompliance. If a Qualified Issuer applicant, its proposed Program Administrator, its proposed Servicer, or any of the Certified CDFIs included in the Qualified Issuer Application or Guarantee Application is a prior recipient or allocatee under any CDFI Fund program and the CDFI Fund has made a final determination that the entity is noncompliant with a previously executed agreement with the CDFI Fund, but has not notified the entity that it is ineligible to apply for future CDFI Fund program awards or allocations, the CDFI Fund will consider the Qualified Issuer Application or Guarantee Application. However, it is strongly advised that the entity take action to address such noncompliance finding, as repeat findings of noncompliance may result in the CDFI Fund determining the entity ineligible to participate in future CDFI Fund program rounds during the period of review of the Application, the applicant and Applications may be deemed ineligible for further review. The CDFI Bond Guarantee Program staff cannot resolve compliance matters; instead, please contact the CDFI Fund's Certification, Compliance Monitoring, and Evaluation Unit (CCME) if your organization has questions about its

current compliance status or has been found not in compliance with a previously executed agreement with the CDFI Fund.

3. Ineligibility due to noncompliance. The CDFI Fund will not consider a Qualified Issuer Application or Guarantee Application if the applicant, its proposed Program Administrator, its proposed Servicer, or any of the Certified CDFIs included in the Qualified Issuer Application or Guarantee Application, is a prior recipient or allocatee under any CDFI Fund program and if, as of the date of Qualified Issuer Application or Guarantee Application submission, (i) the CDFI Fund has made a determination that such entity is noncompliant with a previously executed agreement and (ii) the CDFI Fund has provided written notification that such entity is ineligible to apply for any future CDFI Fund program awards or allocations. Such entities will be ineligible to submit a Qualified Issuer or Guarantee Application, or be included in such submission, as the case may be, for such time period as specified by the CDFI Fund in writing.

4. Undisbursed award funds. The CDFI Fund will not consider a Qualified Issuer Application or Guarantee Application, if the applicant, its proposed Program Administrator, its proposed Servicer, its Affiliate, or any Certified CDFI that is included in the Qualified Issuer Application or Guarantee Application, is a recipient under any CDFI Fund program and has undisbursed award funds (as defined below) as of the Qualified Issuer Application or Guarantee Application submission date. The CDFI Fund will include the combined undisbursed prior awards, as of the date of the Qualified Issuer Application submission, of the applicant, the proposed Program Administrator, the proposed Servicer, and any Certified CDFIs included in the application.

For purposes of the calculation of undisbursed award funds for the Bank Enterprise Award (BEA) Program, only awards made to the Qualified Issuer applicant, its proposed Program Administrator, its proposed Servicer, and any Certified CDFI included in the Qualified Issuer Application, three to five calendar years prior to the end of the calendar year of the Qualified Issuer Application submission date are included. For purposes of the calculation of undisbursed award funds for the CDFI Program, the Native American CDFI Assistance (NACA) Program, and the Capital Magnet Fund (CMF), only awards made to the Qualified Issuer applicant, its proposed Program Administrator, its proposed Servicer, and any Certified CDFI included in the Qualified Issuer Application, three to five calendar years prior to the end of the calendar year of the Qualified Issuer Application submission date are included.

Undisbursed awards cannot exceed five percent of the total includable awards for the Applicant's BEA/CDFI/NACA/CMF awards as of the date of submission of the Qualified Issuer Application. The calculation of undisbursed award funds does not include: (i) Tax credit allocation authority made available through the New Markets Tax Credit Program; (ii) any award made available through the CDFI Bond Guarantee Program; (iii) any award funds for which the CDFI Fund received a full and complete disbursement request from the recipient by the date of submission of the Qualified Issuer Application; (iv) any award funds for an award that has been terminated in writing by the CDFI Fund or de-obligated by the CDFI Fund; or (v) any award funds for an award that does not have a fully executed assistance or award agreement. The CDFI Fund strongly encourages Qualified Issuer applicants, proposed Program Administrators, proposed Servicers, and any Certified CDFIs included in a Qualified Issuer Application that wish to request disbursements of undisbursed funds from prior awards to provide the CDFI Fund with a complete disbursement request at least 10 business days prior to the date of submission of a Qualified Issuer Application.

G. *Review of Bond and Bond Loan documents.* Each Qualified Issuer and proposed Eligible CDFI will be required to certify that its appropriate senior management, and its respective legal counsel, has read the Regulations (set forth at 12 CFR part 1808, as well as the CDFI certification regulations set forth at 12 CFR 1805.201, as amended, and the environmental quality regulations set forth at 12 CFR part 1815) and the template Bond Documents and Bond Loan documents posted on the CDFI Fund's website including, but not limited to, the following: Bond Trust Indenture, Supplemental Indenture, Bond Loan Agreement, Promissory Note, Bond Purchase Agreement, Designation Notice, Secretary's Guarantee, Collateral Assignment, Reimbursement Note, Opinion of Bond Counsel, Opinion of Counsel to the Borrower, Escrow Agreement, and Closing Checklist.

H. *Contact the CDFI Fund.* A Qualified Issuer applicant, its proposed Program Administrator, its proposed Servicer, or any Certified CDFIs included in the Qualified Issuer Application or Guarantee Application that are prior CDFI Fund recipients are advised to: (i) Comply with requirements specified in CDFI Fund assistance, allocation, and/or award agreement(s), and (ii) contact the CDFI Fund to ensure that all necessary actions are underway for the disbursement or deobligation of any outstanding balance of said prior award(s). Any such parties that are unsure about the disbursement status of any prior award should contact the CDFI Fund's Senior Resource Manager via email at *CDFI.disburseinquiries@cdfi.treas.gov.*

All outstanding reports and compliance questions should be directed to CCME staff by email at *ccme@cdfi.treas.gov* or by telephone at (202) 653–0423. The CDFI Fund will respond to applicants' reporting, compliance, or disbursement questions between the hours of 9:00 a.m. and 5:00 p.m. ET, starting on the date of the publication of this NOGA.

I. *Evaluating prior award performance.* In the case of a Qualified Issuer, a proposed Program Administrator, a proposed Servicer, or Certified CDFI that has received awards from other Federal programs, the CDFI Fund reserves the right to contact officials from the appropriate Federal agency or agencies to determine whether the entity is in compliance with current or prior award agreements, and to take such information into consideration before issuing a Guarantee. In the case of such an entity that has previously received funding through any CDFI Fund program, the CDFI Fund will review the entity's compliance history with the CDFI Fund, including any history of providing late reports, and consider such history in the context of organizational capacity and the ability to meet future reporting requirements.

The CDFI Fund may also bar from consideration any such entity that has, in any proceeding instituted against it in, by, or before any court, governmental, or administrative body or agency, received a final determination within the two years prior to the date of publication of this NOGA indicating that the entity has discriminated on the basis of race, color, national origin, disability, age, marital status, receipt of income from public assistance, religion, or sex, including, but not limited, to discrimination under (i) Title VI of the Civil Rights Act of 1964 (Pub. L. 88–352) which prohibits discrimination on the basis of race, color or national origin; (ii) Title IX of the Education

Amendments of 1972, as amended (20 U.S.C. 1681–1683, 1685–1686), which prohibits discrimination on the basis of sex; (iii) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicaps; (iv) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101–6107), which prohibits discrimination on the basis of age; (v) the Drug Abuse Office and Treatment Act of 1972 (Pub. L. 92–255), as amended, relating to nondiscrimination on the basis of drug abuse; (vi) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (Pub. L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (vii) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd–3 and 290 ee–3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (viii) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 *et seq.*), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (ix) any other nondiscrimination provisions in the specific statute(s) under which Federal assistance is being made; and (x) the requirements of any other nondiscrimination statutes which may apply to the CDFI Bond Guarantee Program.

J. *Changes to review procedures.* The CDFI Fund reserves the right to change its completeness, eligibility and evaluation criteria, and procedures if the CDFI Fund deems it appropriate. If such changes materially affect the CDFI Fund's decision to approve or deny a Qualified Issuer Application, the CDFI Fund will provide information regarding the changes through the CDFI Fund's website.

K. *Decisions are final.* The CDFI Fund's Qualified Issuer Application decisions are final. The Guarantor's Guarantee Application decisions are final. There is no right to appeal the decisions. Any applicant that is not approved by the CDFI Fund or the Guarantor may submit a new Application and will be considered based on the newly submitted Application. Such newly submitted Applications will be reviewed along with all other pending Applications in the order in which they are received, or by such other criteria that the CDFI Fund may establish, in its sole discretion.

III. Qualified Issuer Application

A. *General.* This NOGA invites interested parties to submit a Qualified Issuer Application to be approved as a Qualified Issuer under the CDFI Bond Guarantee Program.

1. Qualified Issuer. The Qualified Issuer is a Certified CDFI, or an entity designated by a Certified CDFI to issue Bonds on its behalf, that meets the requirements of the Regulations and this NOGA, and that has been approved by the CDFI Fund pursuant to review and evaluation of its Qualified Issuer Application. The Qualified Issuer will, among other duties: (i) Organize the Eligible CDFIs that have designated it to serve as their Qualified Issuer; (ii) prepare and submit a complete and timely Qualified Issuer and Guarantee Application to the CDFI Fund; (iii) if the Qualified Issuer Application is approved by the CDFI Fund and the Guarantee Application is approved by the Guarantor, prepare the Bond Issue; (iv) manage all Bond Issue servicing, administration, and reporting functions; (v) make Bond Loans; (vi) oversee the financing or refinancing of Secondary Loans; (vii) ensure compliance throughout the duration of the Bond with all provisions of the Regulations, and Bond Documents and Bond Loan Documents entered into between the Guarantor, the Qualified Issuer, and the Eligible CDFI; and (viii) ensure that the Master Servicer/Trustee complies with the Bond Trust Indenture and all other applicable regulations. Further, the role of the Qualified Issuer also is to ensure that its proposed Eligible CDFI applicants possess adequate and well performing assets to support the debt service of the proposed Bond Loan.

2. Qualified Issuer Application. The Qualified Issuer Application is the document that an entity seeking to serve as a Qualified Issuer submits to the CDFI Fund to apply to be approved as a Qualified Issuer prior to consideration of a Guarantee Application.

3. Qualified Issuer Application evaluation, general. Each Qualified Issuer Application will be evaluated by the CDFI Fund and, if acceptable, the applicant will be approved as a Qualified Issuer, in the sole discretion of the CDFI Fund. The CDFI Fund's Qualified Issuer Application review and evaluation process is based on established procedures, which may include interviews of applicants and/or site visits to applicants conducted by the CDFI Fund. Through the Application review process, the CDFI Fund will evaluate Qualified Issuer applicants on a merit basis and in a fair and consistent manner. Each Qualified Issuer applicant will be reviewed on its ability to successfully carry out the responsibilities of a Qualified Issuer throughout the life of the Bond. The Applicant must currently meet the criteria established in the Regulations to be deemed a Qualified Issuer. Qualified Issuer Applications that are forward-looking or speculate as to the eventual acquisition of the required capabilities and criteria are unlikely to be approved. Qualified Issuer Application processing will be initiated in chronological order by date of receipt; however, Qualified Issuer Applications that are incomplete or require the CDFI Fund to request additional or clarifying information may delay the ability of the CDFI Fund to deem the Qualified Issuer Application complete and move it to the next phase of review. Submitting a substantially incomplete application earlier than other applicants does not ensure first approval.

B. *Qualified Issuer Application: Eligibility.*

1. CDFI certification requirements. The Qualified Issuer applicant must be a Certified CDFI or an entity designated by a Certified CDFI to issue Bonds on its behalf.

2. Designation and attestation by Certified CDFIs. An entity seeking to be approved by the CDFI Fund as a Qualified Issuer must be designated as a Qualified Issuer by at least one Certified CDFI. A Qualified Issuer may not designate itself. The Qualified Issuer applicant will prepare and submit a complete and timely Qualified Issuer Application to the CDFI Fund in accordance with the requirements of the Regulations, this NOGA, and the Application. A Certified CDFI must attest in the Qualified Issuer Application that it has designated the Qualified Issuer to act on its behalf and that the information in the Qualified Issuer Application regarding it is true, accurate, and complete.

C. *Substantive review and approval process.*

1. Substantive review.

a. If the CDFI Fund determines that the Qualified Issuer Application is complete and eligible, the CDFI Fund will undertake a substantive review in accordance with the criteria and procedures described in the Regulations, this NOGA, the Qualified Issuer Application, and CDFI Bond Guarantee Program policies.

b. As part of the substantive evaluation process, the CDFI Fund reserves the right to contact the Qualified Issuer applicant (as well as its proposed Program Administrator, its proposed Servicer, and each designating Certified CDFI in the Qualified Issuer Application) by telephone, email, mail, or through on-site visits for the purpose of obtaining additional, clarifying, confirming, or supplemental application

information. The CDFI Fund reserves the right to collect such additional, clarifying, confirming, or supplemental information from said entities as it deems appropriate. If contacted for additional, clarifying, confirming, or supplemental information, said entities must respond within the time parameters set by the CDFI Fund or the Qualified Issuer Application will be rejected.

2. Qualified Issuer criteria. In total, there are more than 60 individual criteria or sub-criteria used to evaluate a Qualified Issuer applicant and all materials provided in the Qualified Issuer Application will be used to evaluate the applicant. Qualified Issuer determinations will be made based on Qualified Issuer applicants' experience and expertise, in accordance with the following criteria:

a. Organizational capability.

i. The Qualified Issuer applicant must demonstrate that it has the appropriate expertise, capacity, experience, and qualifications to issue Bonds for Eligible Purposes, or is otherwise qualified to serve as Qualified Issuer, as well as manage the Bond Issue on the terms and conditions set forth in the Regulations, this NOGA, and the Bond Documents, satisfactory to the CDFI Fund.

ii. The Qualified Issuer applicant must demonstrate that it has the appropriate expertise, capacity, experience, and qualifications to originate, underwrite, service and monitor Bond Loans for Eligible Purposes, targeted to Low-Income Areas and Underserved Rural Areas.

iii. The Qualified Issuer applicant must demonstrate that it has the appropriate expertise, capacity, experience, and qualifications to manage the disbursement process set forth in the Regulations at 12 CFR 1808.302 and 1808.307.

b. Servicer. The Qualified Issuer applicant must demonstrate that it has (either directly or contractually through another designated entity) the appropriate expertise, capacity, experience, and qualifications, or is otherwise qualified to serve as Servicer. The Qualified Issuer Application must provide information that demonstrates that the Qualified Issuer's Servicer has the expertise, capacity, experience, and qualifications necessary to perform certain required administrative duties (including, but not limited to, Bond Loan servicing functions).

c. Program Administrator. The Qualified Issuer applicant must demonstrate that it has (either directly or contractually through another designated entity) the appropriate expertise, capacity, experience, and qualifications, or is otherwise qualified to serve as Program Administrator. The Qualified Issuer Application must provide information that demonstrates that the Qualified Issuer's Program Administrator has the expertise, capacity, experience, and qualifications necessary to perform certain required administrative duties (including, but not limited to, compliance monitoring and reporting functions).

d. Strategic alignment. The Qualified Issuer applicant will be evaluated on its strategic alignment with the CDFI Bond Guarantee Program on factors that include, but are not limited to: (i) Its mission's strategic alignment with community and economic development objectives set forth in the Riegle Act at 12 U.S.C. 4701; (ii) its strategy for deploying the entirety of funds that may become available to the Qualified Issuer through the proposed Bond Issue; (iii) its experience providing up to 30-year capital to CDFIs or other borrowers in Low-Income Areas or Underserved Rural Areas as such terms are defined in the Regulations at 12 CFR 1808.102; (iv) its track record of activities relevant to its stated strategy; and (v) other factors relevant to the Qualified Issuer's strategic alignment with the program.

e. Experience. The Qualified Issuer applicant will be evaluated on factors that demonstrate that it has previous experience: (i) Performing the duties of a Qualified Issuer including issuing bonds, loan servicing, program administration, underwriting, financial reporting, and loan administration; (ii) lending in Low-Income Areas and Underserved Rural Areas; and (iii) indicating that the Qualified Issuer's current principals and team members have successfully performed the required duties, and that previous experience is applicable to the current principals and team members.

f. Management and staffing. The Qualified Issuer applicant must demonstrate that it has sufficiently strong management and staffing capacity to undertake the duties of Qualified Issuer. The applicant must also demonstrate that its proposed Program Administrator and its proposed Servicer have sufficiently strong management and staffing capacity to undertake their respective requirements under the CDFI Bond Guarantee Program. Strong management and staffing capacity is evidenced by factors that include, but are not limited to: (i) A sound track record of delivering on past performance; (ii) a documented succession plan; (iii) organizational stability including staff retention; and (iv) a clearly articulated, reasonable, and well-documented staffing plan.

g. Financial strength. The Qualified Issuer applicant must demonstrate the strength of its financial capacity and activities including, among other items, financially sound business practices relative to the industry norm for bond issuers, as evidenced by reports of Appropriate Federal Banking Agencies, Appropriate State Agencies, or auditors. Such financially sound business practices will demonstrate: (i) The financial wherewithal to perform activities related to the Bond Issue such as administration and servicing; (ii) the ability to originate, underwrite, close, and disburse loans in a prudent manner; (iii) whether the applicant is depending on external funding sources and the reliability of long-term access to such funding; (iv) whether there are foreseeable counterparty issues or credit concerns that are likely to affect the applicant's financial stability; and (v) a budget that reflects reasonable assumptions about upfront costs as well as ongoing expenses and revenues.

h. Systems and information technology. The Qualified Issuer applicant must demonstrate that it (as well as its proposed Program Administrator and its proposed Servicer) has, among other things: (i) A strong information technology capacity and the ability to manage loan servicing, administration, management, and document retention; (ii) appropriate office infrastructure and related technology to carry out the CDFI Bond Guarantee Program activities; and (iii) sufficient backup and disaster recovery systems to maintain uninterrupted business operations.

i. Pricing structure. The Qualified Issuer applicant must provide its proposed pricing structure for performing the duties of Qualified Issuer, including the pricing for the roles of Program Administrator and Servicer. Although the pricing structure and fees shall be decided by negotiation between market participants without interference or approval by the CDFI Fund, the CDFI Fund will evaluate whether the Qualified Issuer applicant's proposed pricing structure is feasible to carry out the responsibilities of a Qualified Issuer over the life of the Bond and sound implementation of the program.

j. Other criteria. The Qualified Issuer applicant must meet such other criteria as may be required by the CDFI Fund, as set forth in the Qualified Issuer Application or required by the CDFI Fund in its sole discretion, for the purposes of evaluating the merits of a Qualified Issuer Application. The CDFI Fund may request an on-site review of Qualified Issuer applicant to confirm

materials provided in the written application, as well as to gather additional due diligence information. The on-site reviews are a critical component of the application review process and will generally be conducted for all applicants not regulated by an Appropriate Federal Banking Agency or Appropriate State Agency. The CDFI Fund reserves the right to conduct a site visit of regulated entities, in its sole discretion.

k. Third-party data sources. The CDFI Fund, in its sole discretion, may consider information from third-party sources including, but not limited to, periodicals or publications, publicly available data sources, or subscriptions services for additional information about the Qualified Issuer applicant, the proposed Program Administrator, the proposed Servicer, and each Certified CDFI that is included in the Qualified Issuer Application. Any additional information received from such third-party sources will be reviewed and evaluated through a systematic and formalized process.

D. *Notification of Qualified Issuer determination.* Each Qualified Issuer applicant will be informed of the CDFI Fund's decision in writing, by email using the addresses maintained in the entity's AMIS account. The CDFI Fund will not notify the proposed Program Administrator, the proposed Servicer, or the Certified CDFIs included in the Qualified Issuer Application of its decision regarding the Qualified Issuer Application; such contacts are the responsibility of the Qualified Issuer applicant.

E. *Qualified Issuer Application rejection.* In addition to substantive reasons based on the merits of its review, the CDFI Fund reserves the right to reject a Qualified Issuer Application if information (including administrative errors) comes to the attention of the CDFI Fund that adversely affects an applicant's eligibility, adversely affects the CDFI Fund's evaluation of a Qualified Issuer Application, or indicates fraud or mismanagement on the part of a Qualified Issuer applicant or its proposed Program Administrator, its proposed Servicer, and any Certified CDFI included in the Qualified Issuer Application. If the CDFI Fund determines that any portion of the Qualified Issuer Application is incorrect in any material respect, the CDFI Fund reserves the right, in its sole discretion, to reject the Application.

IV. Guarantee Applications

A. *General.* This NOGA invites Qualified Issuers to submit a Guarantee Application to be approved for a Guarantee under the CDFI Bond Guarantee Program.

1. Guarantee Application.

a. The Guarantee Application is the application document that a Qualified Issuer (in collaboration with the Eligible CDFI(s) that seek to be included in the proposed Bond Issue) must submit to the CDFI Fund in order to apply for a Guarantee. The Qualified Issuer shall provide all required information in its Guarantee Application to establish that it meets all criteria set forth in the Regulations at 12 CFR 1808.501 and this NOGA and can carry out all CDFI Bond Guarantee Program requirements including, but not limited to, information that demonstrates that the Qualified Issuer has the appropriate expertise, capacity, and experience and is qualified to make, administer and service Bond Loans for Eligible Purposes.

b. The Guarantee Application comprises a Capital Distribution Plan and at least one Secondary Capital Distribution Plan, as well as all other requirements set forth in this NOGA or as may be required by the Guarantor and the CDFI Fund in their sole discretion, for the evaluation and selection of Guarantee applicants.

2. Guarantee Application evaluation, general. The Guarantee Application review and evaluation process will be based on established standard procedures, which may include interviews of applicants and/or site visits to applicants conducted by the CDFI Fund. Through the Application review process, the CDFI Fund will evaluate Guarantee applicants on a merit basis and in a fair and consistent manner. Each Guarantee applicant will be reviewed on its ability to successfully implement and carry out the activities proposed in its Guarantee Application throughout the life of the Bond. Eligible CDFIs must currently meet the criteria established in the Regulations to participate in the CDFI Bond Guarantee Program. Guarantee Applications that are forward-looking or speculate as to the eventual acquisition of the required capabilities and criteria by the Eligible CDFI(s) are unlikely to be approved. Guarantee Application processing will be initiated in chronological order by date of receipt; however, Guarantee Applications that are incomplete or require the CDFI Fund to request additional or clarifying information may delay the ability of the CDFI Fund to deem the Guarantee Application complete and move it to the next phase of review. Submitting a substantially incomplete application earlier than other applicants does not ensure first approval.

B. *Guarantee Application: Eligibility.*

1. Eligibility; CDFI certification requirements. If approved for a Guarantee, each Eligible CDFI must be a Certified CDFI as of the Bond Issue Date and must maintain its respective CDFI certification throughout the term of the corresponding Bond. For more information on CDFI Certification and the certification of affiliated entities, including the deadlines for submission of certification applications, see part II of this NOGA.

2. Qualified Issuer as Eligible CDFI. A Qualified Issuer may not participate as an Eligible CDFI within its own Bond Issue, but may participate as an Eligible CDFI in a Bond Issue managed by another Qualified Issuer.

3. Attestation by proposed Eligible CDFIs. Each proposed Eligible CDFI must attest in the Guarantee Application that it has designated the Qualified Issuer to act on its behalf and that the information pertaining to the Eligible CDFI in the Guarantee Application is true, accurate and complete. Each proposed Eligible CDFI must also attest in the Guarantee Application that it will use Bond Loan proceeds for Eligible Purposes and that Secondary Loans will be financed or refinanced in accordance with the applicable Secondary Loan Requirements.

C. *Guarantee Application: Preparation.* When preparing the Guarantee Application, the Eligible CDFIs and Qualified Issuer must collaborate to determine the composition and characteristics of the Bond Issue, ensuring compliance with the Act, the Regulations, and this NOGA. The Qualified Issuer is responsible for the collection, preparation, verification, and submission of the Eligible CDFI information that is presented in the Guarantee Application. The Qualified Issuer will submit the Guarantee Application for the proposed Bond Issue, including any information provided by the proposed Eligible CDFIs. In addition, the Qualified Issuer will serve as the primary point of contact with the CDFI Fund during the Guarantee Application review and evaluation process.

D. *Review and approval process.*

1. Substantive review.

a. If the CDFI Fund determines that the Guarantee Application is complete and eligible, the CDFI Fund will undertake a substantive review in accordance with the criteria and procedures described in the Regulations at 12 CFR 1808.501, this NOGA, and the Guarantee Application. The substantive review of the Guarantee Application will include due diligence,

underwriting, credit risk review, and Federal credit subsidy calculation, in order to determine the feasibility and risk of the proposed Bond Issue, as well as the strength and capacity of the Qualified Issuer and each proposed Eligible CDFI. Each proposed Eligible CDFI will be evaluated independently of the other proposed Eligible CDFIs within the proposed Bond Issue; however, the Bond Issue must then cumulatively meet all requirements for Guarantee approval. In general, applicants are advised that proposed Bond Issues that include a large number of proposed Eligible CDFIs are likely to substantially increase the review period.

b. As part of the substantive review process, the CDFI Fund may contact the Qualified Issuer (as well as the proposed Eligible CDFIs included in the Guarantee Application) by telephone, email, mail, or through an on-site visit for the sole purpose of obtaining additional, clarifying, confirming, or supplemental application information. The CDFI Fund reserves the right to collect such additional, clarifying, confirming or supplemental information as it deems appropriate. If contacted for additional, clarifying, confirming, or supplemental information, said entities must respond within the time parameters set by the CDFI Fund or the Guarantee Application will be rejected.

2. Guarantee Application criteria.

a. In general, a Guarantee Application will be evaluated based on the strength and feasibility of the proposed Bond Issue, as well as the creditworthiness and performance of the Qualified Issuer and the proposed Eligible CDFIs. Guarantee Applications must demonstrate that each proposed Eligible CDFI has the capacity for its respective Bond Loan to be a secured, general recourse obligation of the proposed Eligible CDFI and to deploy the Bond Loan proceeds within the required disbursement timeframe as described in the Regulations. Unless receiving significant third-party support, support from a Controlling CDFI, or Credit Enhancements, Eligible CDFIs should not request Bond Loans greater than their current total asset size or which would otherwise significantly impair their net asset or net equity position. In general, an applicant requesting a Bond Loan more than 50 percent of its total asset size should be prepared to clearly demonstrate that it has a reasonable plan to scale its operations prudently and in a manner that does not impair its net asset or net equity position. Further, an entity with a limited operating history or a history of operating losses is unlikely to meet the strength and feasibility requirements of the CDFI Bond Guarantee Program, unless it receives significant third-party support, support from a Controlling CDFI, or Credit Enhancements.

b. The Capital Distribution Plan must demonstrate the Qualified Issuer's comprehensive plan for lending, disbursing, servicing and monitoring each Bond Loan in the Bond Issue. It includes, among other information, the following components:

i. Statement of Proposed Sources and Uses of Funds: Pursuant to the requirements set forth in the Regulations at 12 CFR1808.102(bb) and 1808.301, the Qualified Issuer must provide: (A) A description of the overall plan for the Bond Issue; (B) a description of the proposed uses of Bond Proceeds and proposed sources of funds to repay principal and interest on the proposed Bond and Bond Loans; (C) a certification that 100 percent of the principal amount of the proposed Bond will be used to make Bond Loans for Eligible Purposes on the Bond Issue Date; and (D) description of the extent to which the proposed Bond Loans will serve Low-Income Areas or Underserved Rural Areas;

ii. Bond Issue Qualified Issuer cash flow model: The Qualified Issuer must provide a cash flow model displaying the orderly repayment of the Bond and the Bond Loans according to their respective terms. The cash flow model shall include disbursement and repayment of Bonds, Bond Loans, and Secondary Loans. The cash flow model shall match the aggregated cash flows from the Secondary Capital Distribution Plans of each of the underlying Eligible CDFIs in the Bond Issue pool. Such information must describe the expected distribution of asset classes to which each Eligible CDFI expects to disburse funds, the proposed disbursement schedule, quarterly or semi-annual amortization schedules, interest-only periods, maturity date of each advance of funds, and assumed net interest margin on Secondary Loans above the assumed Bond Loan rate;

iii. Organizational capacity: If not submitted concurrently, the Qualified Issuer must attest that no material changes have occurred since the time that it submitted the Qualified Issuer Application;

iv. Credit Enhancement (if applicable): The Qualified Issuer must provide information about the adequacy of proposed risk mitigation provisions designed to protect the financial interests of the Federal Government, either directly or indirectly through supporting the financial strength of the Bond Issue. This includes, but is not limited to, the amount and quality of any Credit Enhancements, terms and specific conditions such as renewal options, and any limiting conditions or revocability by the provider of the Credit Enhancement. For any third-party providing a Credit Enhancement, the Qualified Issuer must provide the following information on the third-party: Most recent three years of audited financial statements, a brief analysis of the such entity's creditworthiness, and an executed letter of intent from such entity that indicates the terms and conditions of the Credit Enhancement. Any Credit Enhancement must be pledged, as part of the Trust Estate, to the Master Servicer/Trustee for the benefit of the Federal Financing Bank;

v. Proposed Term Sheets: For each Eligible CDFI that is part of the proposed Bond Issue, the Qualified Issuer must submit a proposed Term Sheet using the template provided on the CDFI Fund's website. The proposed Term Sheet must clearly state all relevant and critical terms of the proposed Bond Loan including, but not limited to: Any requested prepayment provisions, unique conditions precedent, proposed covenants and exact amounts/percentages for determining the Eligible CDFI's ability to meet program requirements, and terms and exact language describing any Credit Enhancements. Terms may be either altered and/or negotiated by the CDFI Fund in its sole discretion, based on the proposed structure in the application, to ensure that adequate protection is in place for the Guarantor;

vi. Secondary Capital Distribution Plan(s): Each proposed Eligible CDFI must provide a comprehensive plan for financing, disbursing, servicing and monitoring Secondary Loans, address how each proposed Secondary Loan will meet Eligible Purposes, and address such other requirements listed below that may be required by the Guarantor and the CDFI Fund. For each proposed Eligible CDFI relying, for CDFI certification purposes, on the financing entity activity of a Controlling CDFI, the Controlling CDFI must describe how the Eligible CDFI and the Controlling CDFI, together, will meet the requirements listed below:

(A) Narrative and Statement of Proposed Sources and Uses of Funds: Each Eligible CDFI will: (1) Provide a description of proposed uses of funds, including the extent to which Bond Loans will serve Low-Income Areas or Underserved Rural Areas, and the extent to which Bond Loan proceeds will be used (i) to make the first monthly installment of a Bond Loan payment, (ii) pay Issuance Fees up to one percent of the Bond Loan, and

(iii) finance Loan Loss Reserves related to Secondary Loans; (2) attest that 100 percent of Bond Loan proceeds designated for Secondary Loans will be used to finance or refinance Secondary Loans that meet Secondary Loan Requirements; (3) describe a plan for financing, disbursing, servicing, and monitoring Secondary Loans; (4) indicate the expected asset classes to which it will lend under the Secondary Loan Requirements; (5) indicate examples of previous lending and years of experience lending to a specific asset class, especially with regards to the number and dollar volume of loans made in the five years prior to application submission to the specific asset classes to which an Eligible CDFI is proposing to lend Bond Loan proceeds; (6) provide a table detailing specific uses and timing of disbursements, including terms and relending plans if applicable; and (7) a community impact analysis, including how the proposed Secondary Loans will address financing needs that the private market is not adequately serving and specific community benefit metrics;

(B) Eligible CDFI cash flow model: Each Eligible CDFI must provide a cash flow model of the proposed Bond Loan which: (1) Matches each Eligible CDFI's portion of the Qualified Issuer's cash flow model; and (2) tracks the flow of funds through the term of the Bond Issue and demonstrates disbursement and repayment of the Bond Loan, Secondary Loans, and any utilization of the Relending Fund, if applicable. Such information must describe: The expected distribution of asset classes to which each Eligible CDFI expects to disburse funds, the proposed disbursement schedule, quarterly or semi-annual amortization schedules, interest-only periods, maturity date of each advance of funds, and the assumed net interest margin on Secondary Loans above the assumed Bond Loan rate;

(C) Organizational capacity: Each Eligible CDFI must provide documentation indicating the ability of the Eligible CDFI to manage its Bond Loan including, but not limited to: (1) Organizational ownership and a chart of affiliates; (2) organizational documents, including policies and procedures related to loan underwriting and asset management; (3) management or operating agreement, if applicable; (4) an analysis by management of its ability to manage the funding, monitoring, and collection of loans being contemplated with the proceeds of the Bond Loan; (5) information about its board of directors; (6) a governance narrative; (7) description of senior management and employee base; (8) independent reports, if available; (9) strategic plan or related progress reports; and (10) a discussion of the management and information systems used by the Eligible CDFI;

(D) Policies and procedures: Each Eligible CDFI must provide relevant policies and procedures including, but not limited to: A copy of the asset-liability matching policy, if applicable; and loan policies and procedures which address topics including, but not limited to: Origination, underwriting, credit approval, interest rates, closing, documentation, asset management, and portfolio monitoring, risk-rating definitions, charge-offs, and loan loss reserve methodology;

(E) Financial statements: Each Eligible CDFI must provide information about the Eligible CDFI's current and future financial position, including but not limited to: (1) Audited financial statements for the prior three (3) most recent Fiscal Years; (2) current year-to-date or interim financial statement for the immediately prior quarter end of the Fiscal Year; (3) a copy of the current year's approved budget or projected budget if the entity's Board has not yet approved such budget; and (4) a three (3) year pro forma projection of the statement of financial position or balance sheet, statement of activities or income statement, and statement of cash flows in the standardized template provided by the CDFI Fund;

(F) Loan portfolio information: Each Eligible CDFI must provide information including, but not limited to: (1) Loan portfolio quality report; (2) pipeline report; (3) portfolio listing; (4) a description of other loan assets under management; (5) loan products; (6) independent loan review report; (7) impact report case studies; and (8) a loan portfolio by risk rating and loan loss reserves; and

(G) Funding sources and financial activity information: Each Eligible CDFI must provide information including, but not limited to: (1) Current grant information; (2) funding projections; (3) credit enhancements; (4) historical investor renewal rates; (5) covenant compliance; (6) off-balance sheet contingencies; (7) earned revenues; and (8) debt capital statistics.

vii. Assurances and certifications that not less than 100 percent of the principal amount of Bonds will be used to make Bond Loans for Eligible Purposes beginning on the Bond Issue Date, and that Secondary Loans shall be made as set forth in subsection 1808.307(b); and

viii. Such other information that the Guarantor, the CDFI Fund and/or the Bond Purchaser may deem necessary and appropriate.

c. The CDFI Fund will use the information described in the Capital Distribution Plan and Secondary Capital Distribution Plan(s) to evaluate the feasibility of the proposed Bond Issue, with specific attention paid to each Eligible CDFI's financial strength and organizational capacity. For each proposed Eligible CDFI relying, for CDFI certification purposes, on the financing entity activity of a Controlling CDFI, the CDFI Fund will pay specific attention to the Controlling CDFI's financial strength and organizational capacity as well as the operating agreement between the proposed Eligible CDFI and the Controlling CDFI. All materials provided in the Guarantee Application will be used to evaluate the proposed Bond Issue. In total, there are more than 100 individual criteria or sub-criteria used to evaluate each Eligible CDFI. Specific criteria used to evaluate each Eligible CDFI shall include, but not be limited to, the following criteria below. For each proposed Eligible CDFI relying, for CDFI certification purposes, on the financing entity activity of a Controlling CDFI, the following specific criteria will also be used to evaluate both the proposed Eligible CDFI and the Controlling CDFI:

i. Historical financial ratios: Ratios which together have been shown to be predictive of possible future default will be used as an initial screening tool, including total asset size, net asset or Tier 1 Core Capital ratio, self-sufficiency ratio, non-performing asset ratio, liquidity ratio, reserve over nonperforming assets, and yield cost spread;

ii. Quantitative and qualitative attributes under the ''CAMEL'' framework: After initial screening, the CDFI Fund will utilize a more detailed analysis under the ''CAMEL'' framework, including but not limited to:

(A) Capital Adequacy: Attributes such as the debt-to-equity ratio, status, and significance of off-balance sheet liabilities or contingencies, magnitude, and consistency of cash flow performance, exposure to affiliates for financial and operating support, trends in changes to capitalization, and other relevant attributes;

(B) Asset Quality: Attributes such as the charge-off ratio, adequacy of loan loss reserves, sector concentration, borrower concentration, asset composition, security and collateralization of the loan portfolio, trends in changes to asset quality, and other relevant attributes;

(C) Management: Attributes such as documented best practices in governance, strategic planning and board involvement, robust policies and

procedures, tenured and experienced management team, organizational stability, infrastructure and information technology systems, and other relevant attributes;

(D) Earnings and Performance: Attributes such as net operating margins, deployment of funds, self-sufficiency, trends in earnings, and other relevant attributes;

(E) Liquidity: Attributes such as unrestricted cash and cash equivalents, ability to access credit facilities, access to grant funding, covenant compliance, affiliate relationships, concentration of funding sources, trends in liquidity, and other relevant attributes;

iii. Projected performance and other relevant criteria: The CDFI Fund will stress test each Eligible CDFI's projected financial performance under scenarios that are specific to the unique circumstance and attributes of the organization.

Additionally, the CDFI Fund will consider other relevant criteria that have not been adequately captured in the preceding steps as part of the due diligence process. Such criteria may include, but not be limited to, the size and quality of any third-party Credit Enhancements or other forms of credit support.

(A) Overcollateralization: The commitment by an Eligible CDFI to over collateralize a proposed Bond Loan with excess Secondary Loans is a criterion that may affect the viability of a Guarantee Application by decreasing the estimated net present value of the long-term cost of the Guarantee to the Federal Government, by decreasing the probability of default, and/or increasing the recovery rate in the event of default. An Eligible CDFI committing to overcollateralization may not be required to deposit funds in the Relending Account, subject to the maintenance of certain unique requirements that are detailed in the template Agreement to Guarantee and Bond Loan Agreement.

(B) Credit Enhancements: The provision of third-party Credit Enhancements, including any Credit Enhancement from a Controlling CDFI or any other affiliated entity, is a criterion that may affect the viability of a Guarantee Application by decreasing the estimated net present value of the long-term cost of the Guarantee to the Federal Government. Credit Enhancements are considered in the context of the structure and circumstances of each Guarantee Application.

(C) On-Site Review: The CDFI Fund may request an on-site review of an Eligible CDFI to confirm materials provided in the written application, as well as to gather additional due diligence information. The on-site reviews are a critical component of the application review process and will generally be conducted for all applicants not regulated by an Appropriate Federal Banking Agency or Appropriate State Agency. The CDFI Fund reserves the right to conduct a site visit of regulated entities, in its sole discretion.

(D) Secondary Loan Asset Classes: Eligible CDFIs that propose to use funds for new products or lines of business must demonstrate that they have the organizational capacity to manage such activities in a prudent manner. Failure to demonstrate such organizational capacity may be factored into the consideration of Asset Quality or Management criteria as listed above in this section.

3. Credit subsidy cost. The credit subsidy cost is the net present value of the estimated long- term cost of the Guarantee to the Federal Government as determined under the applicable provisions of the Federal Credit Reform Act of 1990, as amended (FCRA). Treasury has not received appropriated amounts from Congress to cover the credit subsidy costs associated with the Guarantees issued pursuant to this NOGA. In accordance with FCRA, Treasury must consult with, and obtain the approval of, OMB for Treasury's calculation of the credit subsidy cost of each Guarantee prior to entering into any Agreement to Guarantee.

E. *Guarantee Approval; Execution of Documents.*

1. The Guarantor, in the Guarantor's sole discretion, may approve a Guarantee, after consideration of the recommendation from the CDFI Bond Guarantee Program's Credit Review Board and/or based on the merits of the Guarantee Application. The Guarantor shall approve or deny a Guarantee Application no later than 90 days after the date the Guarantee Application was advanced for substantive review.

2. The Guarantor reserves the right to approve Guarantees, in whole or in part, in response to any, all, or none of the Guarantee Applications submitted in response to this NOGA. The Guarantor also reserves the right to approve any Guarantees in an amount that is less than requested in the corresponding Guarantee Application. Pursuant to the Regulations at 12 CFR 1808.504(c), the Guarantor may limit the number of Guarantees made per year to ensure that a sufficient examination of Guarantee Applications is conducted.

3. The CDFI Fund will notify the Qualified Issuer in writing of the Guarantor's approval or disapproval of a Guarantee Application. Bond Documents and Bond Loan documents must be executed, and Guarantees will be provided, in the order in which Guarantee Applications are approved or by such other criteria that the CDFI Fund may establish, in its sole discretion, and in any event by September 30, 2019.

4. Please note that the most recently dated templates of Bond Documents and Bond Loan documents that are posted on the CDFI Fund's website will not be substantially revised or negotiated prior to closing of the Bond and Bond Loan and issuance of the corresponding Guarantee. If a Qualified Issuer or a proposed Eligible CDFI does not understand the terms and conditions of the Bond Documents or Bond Loan documents (including those listed in Section II.G., above), it should ask questions or seek technical assistance from the CDFI Fund. However, if a Qualified Issuer or a proposed Eligible CDFI disagrees or is uncomfortable with any term/condition, or if legal counsel to either cannot provide a legal opinion in substantially the same form and content of the required legal opinion, it should not apply for a Guarantee.

5. The Guarantee shall not be effective until the Guarantor signs and delivers the Guarantee.

F. *Guarantee denial.* The Guarantor, in the Guarantor's sole discretion, may deny a Guarantee, after consideration of the recommendation from the Credit Review Board and/or based on the merits of the Guarantee Application. In addition, the Guarantor reserves the right to deny a Guarantee Application if information (including any administrative error) comes to the Guarantor's attention that adversely affects the Qualified Issuer's eligibility, adversely affects the evaluation or scoring of an Application, or indicates fraud or mismanagement on the part of the Qualified Issuer, Program Administrator, Servicer, and/or Eligible CDFIs.

Further, if the Guarantor determines that any portion of the Guarantee Application is incorrect in any material respect, the Guarantor reserves the right, in the Guarantor's sole discretion, to deny the Application.

V. Guarantee Administration

A. *Pricing information.* Bond Loans will be priced based upon the underlying Bond issued by the Qualified Issuer and purchased by the Federal Financing Bank (FFB or Bond Purchaser). The FFB will set the liquidity premium at the time of the Bond Issue Date, based on the duration

and maturity of the Bonds according to the FFB's lending policies (*www.treasury.gov/ffb*). Liquidity premiums will be charged in increments of 1/8th of a percent (*i.e.,* 12.5 basis points).

B. *Fees and other payments.* The following table includes some of the fees that may be applicable to Qualified Issuers and Eligible CDFIs after approval of a Guarantee of a Bond Issue, as well as Risk-Share Pool funding, prepayment penalties or discounts, and Credit Enhancements. The table is not exhaustive; additional fees payable to the CDFI Fund or other parties may apply.

Fee	Description
Agency Administrative Fee ..	Payable annually to the CDFI Fund by the Qualified Issuer. Equal to 10 basis points on the amount of the unpaid principal of the Bond Issue.
Bond Issuance Fees	Amounts paid by an Eligible CDFI for reasonable and appropriate expenses, administrative costs, and fees for services in connection with the issuance of the Bond (but not including the Agency Administrative Fee) and the making of the Bond Loan. Fees negotiated between the Qualified Issuer, the Master Servicer/Trustee, and the Eligible CDFI. Up of 1% of Bond Loan Proceeds may be used to finance Bond Issuance Fees.
Servicer Fee	The fees paid by the Eligible CDFI to the Qualified Issuer's Servicer. Servicer fees are negotiated between the Qualified Issuer and the Eligible CDFI.
Program Administrator Fee ..	The fees paid by the Eligible CDFI to the Qualified Issuer's Program Administrator. Program Administrator fees are negotiated between the Qualified Issuer and the Eligible CDFI.
Master Servicer/Trustee Fee	The fees paid by the Qualified Issuer and the Eligible CDFI to the Master Servicer/Trustee to carry out the responsibilities of the Bond Trust Indenture. In general, the Master Servicer/Trustee fee for a Bond Issue with a single Eligible CDFI is the greater of 16 basis points per annum or $10,000 per month once the Bond Loans are fully disbursed. Fees for Bond Issues with more than one Eligible CDFI are negotiated between the Master Servicer/Trustee, Qualified Issuer, and Eligible CDFI. Any special servicing costs and resolution or liquidation fees due to a Bond Loan default are the responsibility of the Eligible CDFI. Please see the template legal documents at *https://www.cdfifund.gov/programs-training/Programs/cdfi-bond/Pages/closing-disbursement-step.aspx#step4* for more specific information. *https://www.cdfifund.gov/programs-training/Programs/cdfi-bond/Pages/closing-disbursement-step.aspx#step4* for more specific information.
Risk-Share Pool Funding	The funds paid by the Eligible CDFIs to cover Risk-Share Pool requirements; capitalized by pro rata payments equal to 3% of the amount disbursed on the Bond Loan from all Eligible CDFIs within the Bond Issue.
Prepayment Penalties or Discounts.	Prepayment penalties or discounts may be determined by the FFB at the time of prepayment.
Credit Enhancements	Pledges made to enhance the quality of a Bond and/or Bond Loan. Credit Enhancements include, but are not limited to, the Principal Loss Collateral Provision and letters of credit. Credit Enhancements must be pledged, as part of the Trust Estate, to the Master Servicer/Trustee for the benefit of the Federal Financing Bank.

C. *Terms for Bond Issuance and disbursement of Bond Proceeds.* In accordance with 12 CFR 1808.302(f), each year, beginning on the one year anniversary of the Bond Issue Date (and every year thereafter for the term of the Bond Issue), each Qualified Issuer must demonstrate that no less than 100 percent of the principal amount of the Guaranteed Bonds currently disbursed and outstanding has been used to make loans to Eligible CDFIs for Eligible Purposes. If a Qualified Issuer fails to demonstrate this requirement within the 90 days after the anniversary of the Bond Issue Date, the Qualified Issuer must repay on that portion of Bonds necessary to bring the Bonds that remain outstanding after such repayment is in compliance with the 100 percent requirement above.

D. *Secondary Loan Requirements.* In accordance with the Regulations, Eligible CDFIs must finance or refinance Secondary Loans for Eligible Purposes (not including loan loss reserves) that comply with Secondary Loan Requirements. The Secondary Loan Requirements are found on the CDFI Fund's website at *www.cdfifund.gov*. Applicants should become familiar with the published Secondary Loan Requirements. Secondary Loan Requirements are classified by asset class and are subject to a Secondary Loan commitment process managed by the Qualified Issuer.

Eligible CDFIs must execute Secondary Loan documents (in the form of promissory notes) with Secondary Borrowers as follows: (i) No later than 12 months after the Bond Issue Date, Secondary Loan documents representing at least 50 percent of the Bond Loan proceeds allocated for Secondary Loans, and (ii) no later than 24 months after the Bond Issue Date, Secondary Loan documents representing 100 percent of the Bond Loan proceeds allocated for Secondary Loans. In the event that the Eligible CDFI does not comply with the foregoing requirements of clauses (i) or (ii) of this paragraph, the available Bond Loan proceeds at the end of the applicable period shall be reduced by an amount equal to the difference between the amount required by clauses (i) or (ii) for the applicable period minus the amount previously committed to the Secondary Loans in the applicable period. Secondary Loans shall carry loan maturities suitable to the loan purpose and be consistent with loan-to-value requirements set forth in the Secondary Loan Requirements. Secondary Loan maturities shall not exceed the corresponding Bond or Bond Loan maturity date. It is the expectation of the CDFI Fund that interest rates for the Secondary Loans will be reasonable based on the borrower and loan characteristics.

E. *Secondary Loan Collateral Requirements.*

1. The Regulations state that Secondary Loans must be secured by a first lien of the Eligible CDFI on pledged collateral, in accordance with the Regulations (at 12 CFR 1808.307(f)) and within certain parameters. Examples of acceptable forms of collateral may include, but are not limited to: Real property (including land and structures), leasehold mortgages, machinery, equipment and movables, cash and cash equivalents, accounts receivable, letters of credit, inventory, fixtures, contracted revenue streams from non-Federal counterparties, provided the Secondary Borrower pledges all assets, rights and interests necessary to generate such revenue stream, and a Principal Loss Collateral Provision. Intangible assets, such as customer relationships, intellectual property rights, and to-be-constructed real estate improvements, are not acceptable forms of collateral.

2. The Regulations require that Bond Loans must be secured by a first lien on a collateral assignment of Secondary

Loans, and further that the Secondary Loans must be secured by a first lien or parity lien on acceptable collateral.

3. Valuation of the collateral pledged by the Secondary Borrower must be based on the Eligible CDFI's credit policy guidelines and must conform to the standards set forth in the Uniform Standards of Professional Appraisal Practice (USPAP) and the Secondary Loan Requirements.

4. Independent third-party appraisals are required for the following collateral: Real estate, leasehold interests, fixtures, machinery and equipment, movables stock valued in excess of $250,000, and contracted revenue stream from non-Federal creditworthy counterparties. Secondary Loan collateral shall be valued using the cost approach, net of depreciation and shall be required for the following: Accounts receivable, machinery, equipment and movables, and fixtures.

F. *Qualified Issuer approval of Bond Loans to Eligible CDFIs.* The Qualified Issuer shall not approve any Bond Loans to an Eligible CDFI where the Qualified Issuer has actual knowledge, based upon reasonable inquiry, that within the past five (5) years the Eligible CDFI: (i) Has been delinquent on any payment obligation (except upon a demonstration by the Qualified Issuer satisfactory to the CDFI Fund that the delinquency does not affect the Eligible CDFI's creditworthiness), or has defaulted and failed to cure any other obligation, on a loan or loan agreement previously made under the Act; (ii) has been found by the Qualified Issuer to be in default of any repayment obligation under any Federal program; (iii) is financially insolvent in either the legal or equitable sense; or (iv) is not able to demonstrate that it has the capacity to comply fully with the payment schedule established by the Qualified Issuer.

G. *Credit Enhancements; Principal Loss Collateral Provision.*

1. In order to achieve the statutory zero-credit subsidy constraint of the CDFI Bond Guarantee Program and to avoid a call on the Guarantee, Eligible CDFIs are encouraged to include Credit Enhancements and Principal Loss Collateral Provisions structured to protect the financial interests of the Federal Government. Any Credit Enhancement or Principal Loss Collateral Provision must be pledged, as part of the Trust Estate, to the Master Servicer/Trustee for the benefit of the Federal Financing Bank.

2. Credit Enhancements may include, but are not limited to, payment guarantees from third parties or Affiliate(s), non-Federal capital, lines or letters of credit, or other pledges of financial resources that enhance the Eligible CDFI's ability to make timely interest and principal payments under the Bond Loan.

3. As distinct from Credit Enhancements, Principal Loss Collateral Provisions may be provided in lieu of pledged collateral and/or in addition to pledged collateral. A Principal Loss Collateral Provision shall be in the form of cash or cash equivalent guarantees from non-Federal capital in amounts necessary to secure the Eligible CDFI's obligations under the Bond Loan after exercising other remedies for default. For example, a Principal Loss Collateral Provision may include a deficiency guarantee whereby another entity assumes liability after other default remedies have been exercised, and covers the deficiency incurred by the creditor. The Principal Loss Collateral Provision shall, at a minimum, provide for the provision of cash or cash equivalents in an amount that is not less than the difference between the value of the collateral and the amount of the accelerated Bond Loan outstanding.

4. In all cases, acceptable Credit Enhancements or Principal Loss Collateral Provisions shall be proffered by creditworthy providers and shall provide information about the adequacy of the facility in protecting the financial interests of the Federal Government, either directly or indirectly through supporting the financial strength of the Bond Issue. This includes, but is not limited to, the amount and quality of any Credit Enhancements, the financial strength of the provider of the Credit Enhancement, the terms, specific conditions such as renewal options, and any limiting conditions or revocability by the provider of the Credit Enhancement.

5. For Secondary Loans benefitting from a Principal Loss Collateral Provision (*e.g.,* a deficiency guarantee), the entity providing the Principal Loss Collateral Provision must be underwritten based on the same criteria as if the Secondary Loan were being made directly to that entity with the exception that the guarantee need not be collateralized.

6. If the Principal Loss Collateral Provision is provided by a financial institution that is regulated by an Appropriate Federal Banking Agency or an Appropriate State Agency, the guaranteeing institution must demonstrate performance of financially sound business practices relative to the industry norm for providers of collateral enhancements as evidenced by reports of Appropriate Federal Banking Agencies, Appropriate State Agencies, and auditors, as appropriate.

H. *Reporting Requirements.*

1. Reports.

a. General. As required pursuant to the Regulations at 12 CFR 1808.619, and as set forth in the Bond Documents and the Bond Loan documents, the CDFI Fund will collect information from each Qualified Issuer which may include, but will not be limited to:

(i) Quarterly and annual financial reports and data (including an OMB single audit, as applicable) for the purpose of monitoring the financial health, ratios and covenants of Eligible CDFIs that include asset quality (nonperforming assets, loan loss reserves, and net charge-off ratios), liquidity (current ratio, working capital, and operating liquidity ratio), solvency (capital ratio, self-sufficiency, fixed charge, leverage, and debt service coverage ratios); (ii) annual reports as to the compliance of the Qualified Issuer and Eligible CDFIs with the Regulations and specific requirements of the Bond Documents and Bond Loan documents; (iii) monthly reports on uses of Bond Loan proceeds and Secondary Loan proceeds; (iv) Master Servicer/Trustee summary of program accounts and transactions for each Bond Issue; (v) Secondary Loan certifications describing Eligible CDFI lending, collateral valuation, and eligibility; (vi) financial data on Secondary Loans to monitor underlying collateral, gauge overall risk exposure across asset classes, and assess loan performance, quality, and payment history; (vii) annual certifications of compliance with program requirements; (viii) material event disclosures including any reports of Eligible CDFI management and/or organizational changes; (ix) annual updates to the Capital Distribution Plan (as described below); (x) supplements and/or clarifications to correct reporting errors (as applicable); (xi) project level reports to understand overall program impact and the manner in which Bond Proceeds are deployed for Eligible Community or Economic Development Purposes; and (xii) such other information that the CDFI Fund and/or the Bond Purchaser may require, including but not limited to racial and ethnic data showing the extent to which members of minority groups are beneficiaries of the CDFI Bond Guarantee Program, to the extent permissible by law.

b. Additional reporting by Qualified Issuers. A Qualified Issuer receiving a Guarantee shall submit annual updates to the approved Capital Distribution Plan, including an updated Proposed Sources and Uses of Funds for each Eligible CDFI, noting any deviation from the original baseline with regards to

both timing and allocation of funding among Secondary Loan asset classes. The Qualified Issuer shall also submit a narrative, no more than five (5) pages in length for each Eligible CDFI, describing the Eligible CDFI's capacity to manage its Bond Loan. The narrative shall address any Notification of Material Events and relevant information concerning the Eligible CDFI's management information systems, personnel, executive leadership or board members, as well as financial capacity. The narrative shall also describe how such changes affect the Eligible CDFI's ability to generate impacts in Low-Income or Underserved Rural Areas.

c. Change of Secondary Loan asset classes. Any Eligible CDFI seeking to expand the allowable Secondary Loan asset classes beyond what was approved by the CDFI Bond Guarantee Program's Credit Review Board or make other deviations that could potentially result in a modification, as that term is defined in OMB Circulars A–11 and A–129, must receive approval from the CDFI Fund before the Eligible CDFI can begin to enact the proposed changes. The CDFI Fund will consider whether the Eligible CDFI possesses or has acquired the appropriate systems, personnel, leadership, and financial capacity to implement the revised Capital Distribution Plan. The CDFI Fund will also consider whether these changes assist the Eligible CDFI in generating impacts in Low-Income or Underserved Rural Areas. Such changes will be reviewed by the CDFI Bond Guarantee Program and presented to the Credit Review Board for approval, and appropriate consultation will be made with OMB to ensure compliance with OMB Circulars A–11 and A–129, prior to notifying the Eligible CDFI if such changes are acceptable under the terms of the Bond Loan Agreement. An Eligible CDFI may request such an update to its Capital Distribution Plan prior to Bond Issue Closing, and thereafter may only request such an update once per the Eligible CDFI's fiscal year.

d. Reporting by Affiliates and Controlling CDFIs. In the case of an Eligible CDFI relying, for CDFI certification purposes, on the financing entity activity of a Controlling CDFI, the CDFI Fund will require that the Affiliate and Controlling CDFI provide certain joint reports, including but not limited to those listed in subparagraph 1(a) above.

e. Detailed information on specific reporting requirements and the format, frequency, and methods by which this information will be transmitted to the CDFI Fund will be provided to Qualified Issuers, Program Administrators, Servicers, and Eligible CDFIs through the Bond Loan Agreement, correspondence, and webinar trainings, and/or scheduled outreach sessions.

f. Reporting requirements will be enforced through the Agreement to Guarantee and the Bond Loan Agreement, and will contain a valid OMB control number pursuant to the Paperwork Reduction Act, as applicable.

g. Each Qualified Issuer will be responsible for the timely and complete submission of the annual reporting documents, including such information that must be provided by other entities such as Eligible CDFIs, Secondary Borrowers or Credit Enhancement providers. If such other entities are required to provide annual report information or documentation, or other documentation that the CDFI Fund may require, the Qualified Issuer will be responsible for ensuring that the information is submitted timely and complete. Notwithstanding the foregoing, the CDFI Fund reserves the right to contact such entities and require that additional information and documentation be provided directly to the CDFI Fund.

h. Annual Assessments. Each Qualified Issuer and Eligible CDFI will be required to have an independent third-party conduct an Annual Assessment of its Bond Loan portfolio. The Annual Assessment is intended to support the CDFI Fund's annual monitoring of the Bond Loan portfolio and to collect financial health, internal control, investment impact measurement methodology information related to the Eligible CDFIs. This assessment is consistent with the program's requirements for Compliance Management and Monitoring (CMM) and Portfolio Management and Loan Monitoring (PMLM), and will be required pursuant to the Bond Documents and the Bond Loan documents. The assessment will also add to the Department of the Treasury's review and impact analysis on the use of Bond Loan proceeds in underserved communities and support the CDFI Fund in proactively managing portfolio risks and performance. The Annual Assessment criteria for Qualified Issuers and Eligible CDFIs is available on the CDFI Fund's website.

i. The CDFI Fund reserves the right, in its sole discretion, to modify its reporting requirements if it determines it to be appropriate and necessary; however, such reporting requirements will be modified only after notice to Qualified Issuers. Additional information about reporting requirements pursuant to this NOGA, the Bond Documents and the Bond Loan documents will be subject to the Paperwork Reduction Act, as applicable.

2. Accounting.

a. In general, the CDFI Fund will require each Qualified Issuer and Eligible CDFI to account for and track the use of Bond Proceeds and Bond Loan proceeds. This means that for every dollar of Bond Proceeds received from the Bond Purchaser, the Qualified Issuer is required to inform the CDFI Fund of its uses, including Bond Loan proceeds. This will require Qualified Issuers and Eligible CDFIs to establish separate administrative and accounting controls, subject to the applicable OMB Circulars.

b. The CDFI Fund will provide guidance to Qualified Issuers outlining the format and content of the information that is to be provided on an annual basis, outlining and describing how the Bond Proceeds and Bond Loan proceeds were used.

VI. Agency Contacts

A. *General information on questions and CDFI Fund support.* The CDFI Fund will respond to questions and provide support concerning this NOGA, the Qualified Issuer Application and the Guarantee Application between the hours of 9:00 a.m. and 5:00 p.m. ET, starting with the date of the publication of this NOGA. The final date to submit questions is February 12, 2019. Applications and other information regarding the CDFI Fund and its programs may be obtained from the CDFI Fund's website at *http://www.cdfifund.gov*. The CDFI Fund will post on its website responses to questions of general applicability regarding the CDFI Bond Guarantee Program.

B. *The CDFI Fund's contact information is as follows:*

TABLE 2—CONTACT INFORMATION

Type of question	Telephone number (not toll free)	Email addresses
CDFI Bond Guarantee Program	(202) 653–0421 Option 5	*bgp@cdfi.treas.gov.*
CDFI Certification	(202) 653–0423	*ccme@cdfi.treas.gov.*
Compliance Monitoring and Evaluation	(202) 653–0423	*ccme@cdfi.treas.gov.*
Information Technology Support	(202) 653–0422	*AMIS@cdfi.treas.gov.*

C. *Communication with the CDFI Fund.* The CDFI Fund will use the AMIS internet interface to communicate with applicants, Qualified Issuers, Program Administrators, Servicers, Certified CDFIs and Eligible CDFIs, using the contact information maintained in their respective AMIS accounts. Therefore, each such entity must maintain accurate contact information (including contact person and authorized representative, email addresses, fax numbers, phone numbers, and office addresses) in its respective AMIS account. For more information about AMIS, please see the AMIS Landing Page at *https://amis.cdfifund.gov.*

VII. Information Sessions and Outreach

The CDFI Fund may conduct webcasts, webinars, or information sessions for organizations that are considering applying to, or are interested in learning about, the CDFI Bond Guarantee Program. The CDFI Fund intends to provide targeted outreach to both Qualified Issuer and Eligible CDFI participants to clarify the roles and requirements under the CDFI Bond Guarantee Program. For further information, please visit the CDFI Fund's website at *http://www.cdfifund.gov.*

Authority: Pub. L. 111–240; 12 U.S.C. 4701, *et seq.;* 12 CFR part 1808; 12 CFR part 1805; 12 CFR part 1815.

Mary Ann Donovan,

Director, Community Development Financial Institutions Fund.

[FR Doc. 2018–24273 Filed 11–5–18; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities; Information Collection Renewal; Comment Request; Margin and Capital Requirements for Covered Swap Entities

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and respondents are not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of its information collection titled ''Margin and Capital Requirements for Covered Swap Entities.''

DATES: Comments must be received by January 7, 2019.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0251, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0251'' in your comment. In general, the OCC will publish your comment on *www.reginfo.gov* without change, including any business or personal information that you provide, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection [1] by any of the following methods:

- Viewing Comments Electronically: Go to *www.reginfo.gov.* Click on the ''Information Collection Review'' tab. Underneath the ''Currently under Review'' section heading, from the drop-down menu, select ''Department of Treasury'' and then click ''submit''. This information collection can be located by searching by OMB control number ''1557–0251'' or ''Margin and Capital Requirements for Covered Swap Entities.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.
- Viewing Comments Personally: You may personally inspect comments at the OCC, 400 7th Street SW, Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect comments.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649–5490 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the OMB for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include Agency requests or requirements that members of the public submit reports,

[1] Following the close of the 60-day comment period for this notice, the OCC will publish a notice for 30 days of comment for this collection.

keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 (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, the OCC is publishing notice of the renewal of the collection of information set forth in this document.

Title: Margin and Capital Requirements for Covered Swap Entities.

OMB Control No.: 1557–0251 (Merging in 1557–0335).

Description: Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) established a comprehensive regulatory framework for derivatives, which are generally characterized as swaps and security-based swaps. Sections 731 and 764 of the Dodd-Frank Act require the registration and regulation of swap dealers and major swap participants and security-based swap dealers and major security-based swap participants, respectively (collectively, ''swap entities''). For certain types of swap entities that are prudentially regulated by one of the Agencies,[2] sections 731 and 764 of the Dodd-Frank Act required the Agencies to jointly adopt rules for swap entities under their respective jurisdictions imposing capital requirements and initial and variation margin requirements on all non-cleared swaps. Swap entities that are prudentially regulated by the Agencies and therefore subject to the proposed rule are referred to herein as ''covered swap entities.''

Section 302 of the Terrorism Risk Insurance Program Reauthorization Act of 2015 (TRIPRA),[3] amended sections 731 and 764 of the Dodd-Frank Act to provide that the initial and variation margin requirements do not apply to certain transactions with specified counterparties that qualify for an exemption or exception from clearing. Non-cleared swaps and non-cleared security-based swaps that are exempt under section 302 of TRIPRA are not subject to the Agencies' rules implementing margin requirements. TRIPRA augmented provisions that would allow swap entities to collect no initial or variation margin from certain ''other counterparties'' like commercial end-users with a provision that grants an exception from the margin requirements for certain swaps with these and certain additional counterparties. In addition, swap entities could continue with the current practice of collecting initial or variation margin at such times and in such forms and amounts (if any) as the covered swap entity determines appropriate consistent with its overall credit risk management of its exposures to ''other counterparties.''

Section by Section Analysis

The reporting requirements found in 12 CFR 45.1(d) refer to other statutory provisions that set forth conditions for an exemption from clearing. Section 45.1(d)(1) provides an exemption for non-cleared swaps if one of the counterparties to the swap is not a financial entity, is using swaps to hedge or mitigate commercial risk, and notifies the Commodity Futures Trading Commission of how it generally meets its financial obligations associated with entering into non-cleared swaps. Section 45.1(d)(2) provides an exemption for security-based swaps if the counterparty notifies the Securities and Exchange Commission (SEC) of how it generally meets its financial obligations associated with entering into non-cleared security-based swaps.

Section 45.2 defines terms used in part 45, including the definition of ''eligible master netting agreement,'' which provides that a covered swap entity that relies on the agreement for purpose of calculating the required margin must: (1) Conduct sufficient legal review of the agreement to conclude with a well-founded basis that the agreement meets specified criteria; and (2) establish and maintain written procedures for monitoring relevant changes in law and to ensure that the agreement continues to satisfy the requirements of this section. The term ''eligible master netting agreement'' is used elsewhere in part 45 to specify instances in which a covered swap entity may: (1) Calculate variation margin on an aggregate basis across multiple non-cleared swaps and security-based swaps and (2) calculate initial margin requirements under an initial margin model for one or more swaps and security-based swaps.

Section 45.5(c)(2)(i) specifies that a covered swap entity shall not be deemed to have violated its obligation to collect or post margin from or to a counterparty if the covered swap entity has made the necessary efforts to collect or post the required margin, including the timely initiation and continued pursuit of formal dispute resolution mechanisms, or has otherwise demonstrated upon request to the satisfaction of the agency that it has made appropriate efforts to collect or post the required margin.

Section 45.7 generally requires a covered swap entity to ensure that any initial margin collateral that it collects or posts is held at a third-party custodian. Section 45.7(c) requires the custodian to act pursuant to a custody agreement that: (1) Prohibits the custodian from rehypothecating, repledging, reusing, or otherwise transferring (through securities lending, securities borrowing, repurchase agreement, reverse repurchase agreement or other means) the collateral held by the custodian, except that cash collateral may be held in a general deposit account with the custodian if the funds in the account are used to purchase an asset held in compliance with § 45.7, and such purchase takes place within a time period reasonably necessary to consummate such purchase after the cash collateral is posted as initial margin and (2) is a legal, valid, binding, and enforceable agreement under the laws of all relevant jurisdictions, including in the event of bankruptcy, insolvency, or a similar proceeding. A custody agreement may permit the posting party to substitute or direct any reinvestment of posted collateral held by the custodian under certain conditions. With respect to collateral collected by a covered swap entity pursuant to § 45.3(a) or posted by a covered swap entity pursuant to § 45.3(b), the agreement must require the posting party to substitute only funds or other property that would qualify as eligible collateral under § 45.6 and for which the amount net of applicable discounts described in Appendix B would be sufficient to meet the requirements of § 45.3 and direct reinvestment of funds only in assets that would qualify as eligible collateral under § 45.6.

Section 45.8 establishes standards for the use of initial margin models. These standards include: (1) A requirement that the covered swap entity receive prior approval from the relevant Agency based on demonstration that the initial margin model meets specific requirements (§§ 45.8(c)(1) and 45.8(c)(2)); (2) a requirement that a covered swap entity notify the relevant Agency in writing 60 days before extending use of the model to additional product types, making certain changes to the initial margin model, or making material changes to modeling assumptions (§ 45.8(c)(3)); and (3) a variety of quantitative requirements,

[2] The Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Federal Housing Finance Agency, and the Farm Credit Administration.

[3] Pubic Law 114–1, 129 Stat. 3 (2015).

including requirements that the covered swap entity validate and demonstrate the reasonableness of its process for modeling and measuring hedging benefits, demonstrate to the satisfaction of the relevant Agency that the omission of any risk factor from the calculation of its initial margin is appropriate, demonstrate to the satisfaction of the relevant Agency that incorporation of any proxy or approximation used to capture the risks of the covered swap entity's non-cleared swaps or non-cleared security-based swaps is appropriate, periodically review and, as necessary, revise the data used to calibrate the initial margin model to ensure that the data incorporate an appropriate period of significant financial stress (§§ 45.8(d)(5), 45.8(d)(10), 45.8(d)(11), 45.8(d)(12), and 45.8(d)(13)). Also, if the validation process reveals any material problems with the initial margin model, the covered swap entity must promptly notify the Agency of the problems, describe to the Agency any remedial actions being taken, and adjust the initial margin model to ensure an appropriately conservative amount of required initial margin is being calculated (§ 45.8(f)(3)).

Section 45.8 also establishes requirements for the ongoing review and documentation of initial margin models. These standards include: (1) A requirement that a covered swap entity review its initial margin model annually (§ 45.8(e)); (2) a requirement that the covered swap entity validate its initial margin model at the outset and on an ongoing basis, describe to the relevant Agency any remedial actions being taken, and report internal audit findings regarding the effectiveness of the initial margin model to the covered swap entity's board of directors or a committee thereof (§§ 45.8(f)(2), 45.8(f)(3), and 45.8(f)(4)); (3) a requirement that the covered swap entity adequately document all material aspects of its initial margin model (§ 45.8(g)); and (4) that the covered swap entity must adequately document internal authorization procedures, including escalation procedures, that require review and approval of any change to the initial margin calculation under the initial margin model, demonstrable analysis that any basis for any such change is consistent with the requirements of this section, and independent review of such demonstrable analysis and approval (§ 45.8(h)).

Section 45.9 addresses the treatment of cross-border transactions and, in certain limited situations, will permit a covered swap entity to comply with a foreign regulatory framework for non-cleared swaps (as a substitute for compliance with the prudential regulators' rule) if the prudential regulators jointly determine that the foreign regulatory framework is comparable to the requirements in the prudential regulators' rule. Section 45.9(e) allows a covered swap entity to request that the prudential regulators make a substituted compliance determination and must provide the reasons therefore and other required supporting documentation. A request for a substituted compliance determination must include: (1) A description of the scope and objectives of the foreign regulatory framework for non-cleared swaps and non-cleared security-based swaps; (2) the specific provisions of the foreign regulatory framework for non-cleared swaps and security-based swaps (scope of transactions covered; determination of the amount of initial and variation margin required; timing of margin requirements; documentation requirements; forms of eligible collateral; segregation and re-hypothecation requirements; and approval process and standards for models); (3) the supervisory compliance program and enforcement authority exercised by a foreign financial regulatory authority or authorities in such system to support its oversight of the application of the non-cleared swap and security-based swap regulatory framework; and (4) any other descriptions and documentation that the prudential regulators determine are appropriate. A covered swap entity may make a request under this section only if directly supervised by the authorities administering the foreign regulatory framework for non-cleared swaps and non-cleared security-based swaps.

Section 45.10 requires a covered swap entity to execute trading documentation with each counterparty that is either a swap entity or financial end user regarding credit support arrangements that: (1) Provides the contractual right to collect and post initial margin and variation margin in such amounts, in such form, and under such circumstances as are required and (2) specifies the methods, procedures, rules, and inputs for determining the value of each non-cleared swap or non-cleared security-based swap for purposes of calculating variation margin requirements and the procedures for resolving any disputes concerning valuation.

Section 45.11(b)(1) provides that the requirement for a covered swap entity to post initial margin under § 45.3(b) does not apply with respect to any non-cleared swap or non-cleared security-based swap with a counterparty that is an affiliate. A covered swap entity shall calculate the amount of initial margin that would be required to be posted to an affiliate that is a financial end user with material swaps exposure pursuant to § 45.3(b) and provide documentation of such amount to each affiliate on a daily basis.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals; Businesses or other for-profit.

Frequency of Response: On occasion.

Estimated Number of Respondents: 10.

Estimated Total Annual Burden: 17,390 hours.

Comments submitted in response to this notice will be summarized and included in the submission to OMB. Comments are requested on:

(a) Whether the information collections are necessary for the proper performance of the OCC's functions, including whether the information has practical utility;

(b) The accuracy of the OCC's estimates of the burden of the information collections, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: October 31, 2018.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

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