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

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

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 709

RIN 3133–AE82

Involuntary Liquidation of Federal Credit Unions and Claims Procedures

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: The NCUA Board (Board) is amending part 709 of its rules to update and clarify the procedures that apply to claims administration for federally insured credit unions that enter involuntary liquidation. Specifically, the final rule amends the payout priority provision by specifying the conditions that claims in the nature of severance must meet to be allowed as provable claims.

DATES: The rule is effective June 29, 2018.

FOR FURTHER INFORMATION CONTACT: Ian Marenna, Senior Trial Attorney, at 1775 Duke Street, Alexandria, Virginia 22314, or telephone: (703) 518–6540.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1217 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA) [1] amended the Federal Credit Union Act (FCU Act) by adding Section 207(b), thereby creating a comprehensive statutory framework for the liquidation of federally insured credit unions.[2] Section 207(b)(4) authorizes the Board to ''prescribe regulations regarding the allowance or disallowance of claims by the liquidating agent and providing for administrative determination of claims and review of such determination.'' [3] In accordance with this authority, the Board adopted part 709 in 1991.[4]

Under a separate provision of the FCU Act, the Board is authorized to prohibit or limit ''golden parachute payments,'' defined to include payments that are contingent on the termination of the party's employment at the credit union and that are made when the credit union is in troubled financial condition.[5] Part 750 of the NCUA's regulations contains explicit limitations on the ability of an institution affiliated party to pursue a severance claim with the liquidating agent after a credit union has become insolvent and is placed in conservatorship or liquidation.[6]

In January 2018, the Board issued a proposed rule and request for public comment in which it proposed to clarify how the agency will handle severance claims in involuntary liquidations.[7] Specifically, the Board proposed to create an exception to the generally applicable bar on severance claims in liquidation that is codified in the NCUA's regulation governing golden parachute payments. As reflected in the proposed regulatory text, the Board proposed to elaborate on the definition of permissible employment-related claims in involuntary liquidations to include vacation, sick, and severance pay if the payment is supported by an employee handbook or other credit union record and is calculable in accordance with a formula or criteria available to all employees. This proposed allowance for some severance claims, as explained in the proposed rule preamble, is an exception to the general rule in part 750 providing that all claims for employee welfare benefits are not provable against the liquidating agent for a failed insured credit union.

As explained in the next section, after reviewing the six public comment letters on the proposed rule, the Board adopts the proposal as a final rule without change.

II. Summary of Comments

The NCUA received six comment letters in response to the proposed rule—two from credit union trade organizations, three from credit union leagues and associations, and one from a credit union. All commenters generally supported the proposed rule's purpose of clarifying the relationship between the golden parachute regulation and the involuntary liquidation claims procedures. One commenter suggested that the Board permit separately-negotiated executive agreements to form the basis of allowable severance claims under part 709. The commenter expressed concern that excluding such agreements from the scope of allowable claims under part 709 could affect credit unions' ability to retain executives.

As the proposed regulatory text indicates, the Board proposed to update part 709 to recognize that severance claims meeting specific criteria would be allowable in involuntary liquidation despite the general bar on such payments in part 750. Although the Board recognizes that the specific criteria set forth in the proposed regulatory text may be narrower than all payments that may be permissible or subject to NCUA approval under part 750, it is important to note that, prior to this rulemaking, the regulations provided that all claims for employee welfare benefits are not provable against the liquidating agent.

The proposed rule was designed to allow an exception to the general rule in part 750 but not repeal it. The Board is not persuaded that it should seek to expand the scope of that exception now. Attracting and retaining effective management is an important consideration, but the rule change does not negatively affect this interest. Indeed, it creates more certainty for severance claims in involuntary liquidations and affords the opportunity to all employees to be eligible to claim these benefits when the claims are based on the fair, objective factors described in the proposed regulatory text. The Board notes that this rule only affects involuntary liquidations, which are infrequent, with only five occurring in 2017, for example.[8]

Accordingly, the Board adopts the proposed rule without change.

III. Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act requires the NCUA to prepare an analysis to describe any significant

[1] Sec. 1217(a)(3), (4), Public Law 101–73. Sec. 1217(a)(3), (4).

[2] 12 U.S.C. 1787(b).

[3] 12 U.S.C. 1787(b)(4).

[4] 56 FR 56925 (Nov. 7, 1991).

[5] 12 U.S.C. 1786(t)(4); 12 CFR 750.1(d).

[6] 12 CFR 750.7.

[7] 83 FR 4450 (Jan. 31, 2018).

[8] See *https://www.ncua.gov/services/Pages/closed-credit-unions/2017.aspx.*

economic impact a rule may have on a substantial number of small entities (primarily those under $100 million in assets). The severance provision imposes no new requirements on credit unions. Instead, it provides a limited exception to an existing regulation that applies to liquidated credit unions. Accordingly, the final rule will not have a significant economic impact on a substantial number of small credit unions, and therefore, no regulatory flexibility analysis is required.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) applies to rulemakings in which an agency by rule creates a new paperwork burden on regulated entities or modifies an existing burden. 44 U.S.C. 3507(d). For purposes of the PRA, a paperwork burden may take the form of either a reporting or a recordkeeping requirement, both referred to as information collections. Part 709 only concerns credit unions that have failed and imposes no information collection requirements on existing credit unions. Accordingly, there are no PRA implications.

Small Business Regulatory Enforcement Fairness Act of 1996

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) provides generally for congressional review of agency rules. A reporting requirement is triggered in instances where the NCUA issues a final rule as defined by Section 551 of the Administrative Procedure Act. The NCUA does not believe this final rule is a ''major rule'' within the meaning of the relevant sections of SBREFA. The NCUA has submitted the rule to the Office of Management and Budget for its determination in that regard.

Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. In adherence to fundamental federalism principles, the NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. This final rule will clarify certain procedures for the NCUA's administration of liquidated federally insured credit unions. This final rule will not have a substantial direct effect on the states, on the connection between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. The Board has determined that the final rule does not constitute a policy that has federalism implications for purposes of the executive order.

The Treasury and General Government Appropriations Act, 1999—Assessment of Federal Regulations and Policies on Families

The NCUA has determined that the 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 709

Credit unions, Involuntary liquidation.

By the National Credit Union Administration Board, on May 24, 2018.

Gerard Poliquin,

Secretary of the Board.

For the reasons discussed above, the NCUA Board amends 12 CFR part 709 as follows:

PART 709—INVOLUNTARY LIQUIDATION OF FEDERAL CREDIT UNIONS AND ADJUDICATION OF CREDITOR CLAIMS INVOLVING FEDERALLY INSURED CREDIT UNIONS IN LIQUIDATION

■ 1. The authority citation for part 709 is revised to read as follows:

Authority: 12 U.S.C. 1757, 1766, 1767, 1786(h), 1786(t), and 1787(b)(4), 1788, 1789, 1789a.

■ 2. Revise paragraph (b)(2) of § 709.5 to read as follows:

§ 709.5 Payout priorities in involuntary liquidation.

* * * * *

(b) * * *

(2) Claims for wages and salaries, including vacation, severance, and sick leave pay; *provided, however,* that, in accordance with § 750.7 of this chapter, no claim for vacation, severance, or sick leave pay is provable unless entitlement to the benefit is provided for in the credit union employee handbook or other written credit union record, is calculable in accordance with an objective formula, and is available to all employees who meet applicable eligibility requirements, such as minimum length of service, or if such payment is required by applicable state or local law;

* * * * *

[FR Doc. 2018–11588 Filed 5–29–18; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2018–0469; Special Conditions No. 25–727–SC]

Special Conditions: Bombardier Inc. Model BD–700–2A12 and Model BD–700–2A13 Airplanes; Autobrake System Structural Loads

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Bombardier Inc. Model BD–700–2A12 and Model BD–700–2A13 airplanes. This airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. This design feature is an autobrake system that allows earlier braking at landing without pedal input from the pilot. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Bombardier on May 30, 2018. Send comments on or before July 16, 2018.

ADDRESSES: Send comments identified by Docket No. FAA–2018–0469 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket website, anyone

can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478).

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mark Freisthler, Airframe & Cabin Safety Section, AIR–675, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206–231–3207; email *Mark.Freisthler@faa.gov.*

SUPPLEMENTARY INFORMATION: The FAA has determined that notice of, and opportunity for prior public comment on, these special conditions is impracticable because these procedures would significantly delay issuance of the design approval and thus delivery of the affected airplanes.

In addition, the substance of these special conditions has been published in the **Federal Register** for public comment in several prior instances with no substantive comments received. The FAA, therefore, finds it unnecessary to delay the effective date and finds that good cause exists for making these special conditions effective upon publication in the **Federal Register**.

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On May 30, 2012, Bombardier Inc. (Bombardier) applied for an amendment to Type Certificate No. T00003NY to include new Model BD–700–2A12 and Model BD–700–2A13 airplanes. These airplanes, which are derivatives of the BD–700 series airplanes currently approved under Type Certificate No. T00003NY, are marketed as the Bombardier Global 7000 and Global 8000, respectively. These airplanes are twin engine, transport category, executive interior business jets with a maximum certified passenger capacity of 19. The maximum takeoff weight for the Model BD–700–2A12 and Model BD–700–2A13 is 106,250 pounds and 104,800 pounds, respectively.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, Bombardier must show that the Model BD–700–2A12 and Model BD–700–2A13 airplanes meet the applicable provisions of the regulations listed in Type Certificate No. T00003NY, or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Bombardier Model BD–700–2A12 and Model BD–700–2A13 airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Bombardier Model BD–700–2A12 and Model BD–700–2A13 airplanes must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Features

The Bombardier Model BD–700–2A12 and Model BD–700–2A13 airplanes will incorporate the following novel or unusual design feature:

The autobrake system on the Bombardier Model BD–700–2A12 and Model BD–700–2A13 airplanes is a pilot-selectable function that allows earlier braking at landing without pedal input from the pilot. When the pilot arms the autobrake system before landing, the system automatically commands braking when the main wheels touch down. This might cause a high nose gear sink rate, and potentially higher gear and airframe loads than would occur with a traditional braking system.

Discussion

These special conditions define a landing pitchover condition that accounts for the effects of the autobrake system. The special conditions define the airplane configuration, speeds, and other parameters necessary to develop airframe and nose gear loads for this condition. The special conditions require that the airplane be designed to support the resulting limit and ultimate loads as defined in § 25.305, ''Strength and deformation.''

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to the Bombardier Inc. Model BD–700–2A12 and Model BD–700–2A13 airplanes. Should Bombardier apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only a certain novel or unusual design feature on Bombardier Model BD–700–2A12 and Model BD–700–2A13 airplanes. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the

Administrator, the following special conditions are issued as part of the type certification basis for Bombardier Model BD–700–2A12 and Model BD–700–2A13 airplanes.

Autobraking System Structural Loads

A landing pitchover condition must be addressed that takes into account the effect of the autobrake system. The airplane is assumed to be at the design maximum landing weight, or at the maximum weight allowed with the autobrake system on. The airplane is assumed to land in a tail-down attitude at the speeds defined by § 25.481. Following main gear contact, the airplane is assumed to rotate about the main gear wheels at the highest pitch rate generated by the autobrake system. This is considered a limit load condition from which ultimate loads must also be determined. Loads must be determined for a critical fuel and payload distribution and centers of gravity. Nose gear loads, as well as airframe loads, must be determined. The airplane must support these loads as described in § 25.305.

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

Victor Wicklund,

Manager, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2018–11506 Filed 5–29–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0492; Product Identifier 2018–NM–083–AD; Amendment 39–19303; AD 2018–11–15]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Airbus Model A320–271N airplanes, and Model A321–271N, –271NX, –272N and –272NX airplanes. This AD requires replacing certain full authority digital engine control (FADEC) electronic engine controllers (EECs); or installing software standard FCS4.4 and re-identifying the FADEC EECs. This AD was prompted by a report that, when operated at low speed and high engine thrust, an engine did not restart following a fuel interruption shorter than five seconds. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective May 30, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 30, 2018.

We must receive comments on this AD by July 16, 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 final rule, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* internet *http://www.airbus.com*. You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0492.

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–2018–0492; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3323.

SUPPLEMENTARY INFORMATION:

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0110, dated May 18, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A320–271N airplanes, and Model A321–271N, –271NX, –272N, and –272NX airplanes. The MCAI states:

> During certification test flights of an A320–271N aeroplane, it has been identified that, when operated at low speed and high engine thrust, the tested engine did not re-start in case of a fuel interruption shorter than 5 seconds. Investigation revealed that this was due to the software logic implemented in the FADEC EEC of affected A320 family models.
>
> This condition, if not corrected, could prevent restart of a shut down engine while operating in high power conditions [after a single or dual in-flight engine shutdown].
>
> To address this potentially unsafe condition, software (SW) standard FCS4.4 for the FADEC EEC has been developed, and Airbus published the SB [Airbus Service Bulletin A320–73–1128, Revision 01, dated May 17, 2018] providing modification instructions.
>
> For the reasons described above, this [EASA] AD requires modification of aeroplanes by [replacing the affected FADEC EECs or by] installation of this FADEC EEC SW [software] standard [and re-identification of the affected FADEC EECs].

You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0492.

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A320–73–1128, Revision 01, dated May 17, 2018. This service information describes procedures for replacing affected FADEC EECs and for installing software standard FCS4.4 and re-identifying affected FADEC EECs. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This AD

This product has been approved by the aviation authority of another

country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of these same type designs.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because a FADEC EEC software defect might prevent restart of an engine after a single or dual in-flight engine shutdown under certain conditions. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0492; Product Identifier 2018–NM–083–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this 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 AD.

Costs of Compliance

We estimate that this AD affects 16 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 7 work-hours × $85 per hour = Up to $595	(1)	Up to $595	Up to $9,520.

[1] We have received no definitive data that would enable us to provide cost estimates for parts needed to comply with the actions specified in this AD.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–11–15 Airbus: Amendment 39–19303; Docket No. FAA–2018–0492; Product Identifier 2018–NM–083–AD.

(a) Effective Date

This AD becomes effective May 30, 2018.

(b) Affected ADs

None.

(c) Applicability

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

(1) Model A320–271N airplanes.

(2) Model A321–271N, –271NX, –272N and –272NX airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 72, Turbine/turboprop engine.

(e) Reason

This AD was prompted by a report that, when operated at low speed and high engine thrust, an engine did not restart following a fuel interruption shorter than five seconds. We are issuing this AD to address engines that might not restart while operating in high

power conditions after a single or dual in-flight engine shutdown.

(f) Compliance

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

(g) Definitions

(1) For the purposes of this AD, an affected full authority digital engine control (FADEC) electronic engine controller (EEC) is one with a part number listed in table 1 to paragraph (g)(1) of this AD.

TABLE 1 TO PARAGRAPH (g)(1) OF THIS AD—AFFECTED FADEC EEC PART NUMBERS

Affected FADEC EEC part No.
5315126
5315126SK02
5323434
5323745
5323746
5324836
5324836–001
5324836–002
5324837
5325185
5325971
5325975

(2) For the purposes of this AD, Group 1 airplanes are defined as those that have an affected FADEC EEC installed.

(3) For the purposes of this AD, Group 2 airplanes are defined as those that do not have an affected FADEC EEC installed.

(h) Modification

For Group 1 airplanes: Within 30 days after the effective date of this AD, modify the airplane by replacing affected FADEC EECs installed on both engines with FADEC EEC part number 5327582 (software standard FCS4.4), or by installing software standard FCS4.4 and re-identifying the affected FADEC EEC, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–73–1128, Revision 01, dated May 17, 2018.

(i) Parts Installation Limitation

As of 30 days after the effective date of this AD, do not install an affected FADEC EEC on any airplane.

(j) Later-Approved Parts

Installation on an airplane of a FADEC EEC or software standard having a part number approved after the effective date of this AD is acceptable for compliance with the requirements of paragraph (h) of this AD, provided the conditions in paragraphs (j)(1) and (j)(2) of this AD are met.

(1) The FADEC EEC or software standard part number must be approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(2) The installation of the FADEC EEC or software standard must be accomplished in accordance with a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Clarification of Affected Airplanes

An airplane on which Airbus modification 163473 has been embodied in production is not affected by the requirements of paragraph (h) of this AD, provided it can be conclusively determined that no affected FADEC EEC is installed on that airplane.

(l) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraph (h) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A320–73–1128, dated May 15, 2018.

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA 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.

(n) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2018–0110, dated May 18, 2018, for related information. You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0492.

(2) For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3323.

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

(o) Material Incorporated by Reference

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

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

(i) Airbus Service Bulletin A320–73–1128, Revision 01, dated May 17, 2018.

(ii) Reserved.

(3) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 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*.

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

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

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

James Cashdollar,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–11659 Filed 5–29–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 375 and 388

[Docket No. RM16–15–001; Order No. 833–A]

FAST Act Section 61003—Critical Electric Infrastructure Security and Critical Energy Infrastructure Information

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order on clarification and rehearing.

SUMMARY: The Federal Energy Regulatory Commission (Commission) in this order on clarification and rehearing grants in part Edison Electric Institute's request for clarification or, in the alternative, rehearing of Order No. 833, and denies rehearing of that order, which amends the Commission's regulations to implement provisions of the Fixing America's Surface Transportation Act pertaining to the designation, protection, and sharing of Critical Energy/Electric Infrastructure Information.

DATES: This order is effective July 30, 2018.

FOR FURTHER INFORMATION CONTACT:
Nneka Frye, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–6029, *Nneka.frye@ferc.gov*
Christopher MacFarlane, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–6761, *Christopher.macfarlane@ferc.gov*
Mark Hershfield, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8597, *Mark.hershfield@ferc.gov*

SUPPLEMENTARY INFORMATION:

Order No. 833–A

Order on Clarification and Rehearing

(Issued May 17, 2018)

1. In Order No. 833, the Commission amended its regulations to implement provisions of the Fixing America's Surface Transportation Act (FAST Act) [1] related to Critical Electric Infrastructure Information.[2] In addition, Order No. 833 revised the Commission's Critical Energy Infrastructure Information regulations.[3] Edison Electric Institute (EEI) requested clarification or, in the alternative, rehearing of Order No. 833. For the reasons discussed below, we grant EEI's request for clarification in part and deny rehearing.

I. Order No. 833

2. On December 4, 2015, the FAST Act was signed into law. The FAST Act, *inter alia,* added section 215A to the Federal Power Act (FPA) to improve the security and resilience of energy infrastructure in the face of emergencies. The FAST Act directed the Commission to issue regulations that provide: (1) The criteria and procedures for designating information as Critical Electric Infrastructure Information; (2) a specific prohibition on unauthorized disclosure of Critical Electric Infrastructure Information; (3) sanctions for the knowing and willful unauthorized disclosure of Critical Electric Infrastructure Information by Commission and Department of Energy (DOE) employees; and (4) a process for voluntary sharing of Critical Electric Infrastructure Information.[4]

3. On June 16, 2016, the Commission issued a Notice of Proposed Rulemaking (NOPR) to amend its regulations to implement the provisions of the FAST Act pertaining to the designation, protection, and sharing of Critical Electric Infrastructure Information and to revise the existing Critical Energy Infrastructure Information regulations.[5] The NOPR proposed that the amended procedures be referred to as the Critical Energy/Electric Infrastructure Information (CEII) Procedures.[6] In response to the NOPR, nineteen entities filed comments and two entities filed reply comments.

4. On November 17, 2016, the Commission issued Order No. 833, which amended the Commission's regulations at 18 CFR 375.309, 375.313, 388.112 and 388.113 to implement the FAST Act provisions that pertain to the designation, protection and sharing of Critical Electric Infrastructure Information. Order No. 833 also revised the existing Critical Energy Infrastructure Information regulations. The Commission determined that the amended regulations comply with the requirements of the FAST Act and better ensure the secure treatment of CEII.[7]

II. Discussion

5. EEI asserts that the Commission either erred or should reconsider five aspects of Order No. 833.[8] As discussed below, we grant EEI's request for clarification in part and deny EEI's request for rehearing.

A. Requests for Access to CEII

Order No. 833

6. The FAST Act required the Commission, taking into account standards of the Electric Reliability Organization, to facilitate voluntary sharing of Critical Electric Infrastructure Information. The statute directed the Commission to facilitate voluntary sharing with, between, and by Federal, State, political subdivision, and tribal authorities; the Electric Reliability Organization; regional entities; information sharing and analysis centers established pursuant to Presidential Decision Directive 63; owners, operators, and users of critical electric infrastructure in the United States; and other entities determined appropriate by the Commission.[9]

7. In Order No. 833, the Commission established procedures in its regulations for providing CEII to third parties. Specifically, in § 388.113(f), the Commission established a process for the Commission to voluntarily share CEII when there is a need to ensure energy infrastructure is protected. Separately, in § 388.113(g), the Commission revised its long-standing procedures for members of the public to request access to CEII by requiring a statement demonstrating a valid and legitimate need for the information.[10] Both processes contain procedures to notify submitters of the CEII of the Commission's prospective sharing of its CEII as well as a requirement that prospective CEII recipients execute Non-Disclosure Agreements (NDA).

8. The Commission also stated that the procedures do not impose a sharing requirement on entities; instead, the provisions allow the Commission to exercise discretion to share CEII that has already been submitted to, or generated by, the Commission.[11] Further, the Commission determined that even if the Commission's voluntary sharing of information were viewed as the same as a third-party sharing it, the Commission must balance its obligation to disclose information as necessary to carry out the Commission's jurisdictional responsibilities against an entity's preference not to have information disclosed.[12]

[1] Fixing America's Surface Transportation Act, Public Law 114–94, section 61,003, 129 Stat. 1312, 1773–1779 (2015) (codified at 16 U.S.C. 824o–1).

[2] *Regulations Implementing FAST Act Section 61003—Critical Electric Infrastructure Security and Amending Critical Energy Infrastructure Information, Availability of Certain North American Electric Reliability Corporation Databases to the Commission,* Order No. 833, 157 FERC ¶ 61,123 (2016), *see* 81 FR 93732 (Dec. 21, 2016).

[3] *Id.*

[4] *See generally* FAST Act, Public Law 114–94, section 61,003, 129 Stat. 1312, 1776.

[5] *Regulations Implementing FAST Act Section 61003—Critical Electric Infrastructure Security and Amending Critical Energy Infrastructure Information,* 155 FERC ¶ 61,278 (2016) (NOPR), *see* 81 FR 43557 (July 5, 2016).

[6] *Id.*

[7] *See generally* Order No. 833, 157 FERC ¶ 61,123.

[8] EEI Request at 6–7.

[9] FAST Act, Public Law 114–94, section 61,003, 129 Stat. 1312, 1776.

[10] The CEII request procedures found in § 388.113(g) were first established under the Commission's Critical Energy Infrastructure Information regulations in 2003. *See Critical Energy Infrastructure Information,* Order No. 630, FERC Stats. & Regs. ¶ 31,140, *order on reh'g,* Order No. 630–A, FERC Stats. & Regs. ¶ 31,147 (2003).

[11] Order No. 833, 157 FERC ¶ 61,123 at P 125.

[12] *Id.* P 126.

Request

9. EEI states that the Commission should reconsider its determination that CEII can be shared over the objections of submitters.[13] EEI asserts that section 215A(d)(2)(D) of the FPA directs the Commission only to facilitate voluntary sharing ''by and between'' entities. EEI contends that the Commission's ability to share information over a submitter's objection, as provided in 18 CFR 388.113(g)(5)(iii), amounts to involuntary sharing not intended by the FAST Act and in violation of FPA section 215A(d)(6).[14] EEI asserts that, by using section 215A(d)(2)(D) to authorize the Commission to provide CEII over the submitter's objection, the Commission is using the FAST Act to ''share'' CEII in an involuntary manner. EEI states that its interpretation is consistent with Congress' decision to make CEII exempt from mandatory disclosure under the Freedom of Information Act (FOIA).[15]

Commission Determination

10. We deny clarification and rehearing of this issue. We disagree with EEI's contention that the FAST Act only directs the voluntary sharing of CEII ''by and between'' entities or that the Commission's release of information over a submitter's objections constitutes ''involuntary'' sharing of such information. EEI misconstrues FPA section 215A(d)(2)(D) to argue that the statute's directives regarding voluntary sharing do not include voluntary sharing of CEII *by the Commission.* Such a reading is inconsistent with the FAST Act in two respects.

11. First, FPA section 215A(d)(2)(D)(i) provides that the Commission's regulations should ''facilitate voluntary sharing of critical electric infrastructure information with, between, and by—(i) Federal, State, political subdivision, and tribal authorities . . .'' It would be incongruous to read the FAST Act's reference to ''voluntary sharing . . . by . . . Federal . . . authorities'' not to include voluntary sharing by the Commission of CEII in its possession. Second, the FAST Act did not direct the Commission to curtail or eliminate the established, pre-existing process for providing members of the public with access to CEII, which is provided in 18 CFR 388.113(g)(5)(iii).

12. Even before the FAST Act, the Commission's regulations included a process whereby the Commission's CEII Coordinator had the discretion to share, in certain circumstances, CEII that was submitted to, or generated by, the Commission.[16] Under both the prior regulations and the revised regulations at 18 CFR 388.113(d)(1)(vi), a submitter is, as EEI acknowledges, provided an opportunity to comment on the potential disclosure of its CEII.[17] Prior to any determination to release CEII to a requester, pursuant to 18 CFR 388.113(g)(5)(iii), the CEII Coordinator will take into consideration any objections and ''will balance the requester's need for the information against the sensitivity of the information.'' Other than characterizing a determination by the CEII Coordinator to ultimately release CEII over an objection as ''involuntary sharing,'' EEI does not propose any change to the Commission's long-standing approach nor does EEI demonstrate that the FAST Act is intended to restrict the Commission from sharing CEII, under an NDA, with third parties that have a valid and legitimate need for the material.[18]

13. In addition, our reading of the FAST Act is consistent with EEI's statement that ''[u]nder the plain meaning of the FAST Act statute, the term 'voluntary' means the Commission should implement an information sharing process that allows owners to share information intentionally and freely.'' [19] The new voluntary sharing provisions, at 18 CFR 388.113(f) of the Commission's CEII regulations, only govern the process by which the Commission will voluntarily share CEII that has been submitted to the Commission or generated by staff.[20] Before the FAST Act and under the revised regulations, entities remain free to share the CEII that they submitted to the Commission with others.

14. Finally, we disagree with EEI's assertion that its interpretation of the FAST Act's ''voluntary sharing'' provisions is consistent with Congress' creation of a FOIA exemption for CEII.[21] The Commission's FOIA program and the voluntary sharing contemplated under the FAST Act serve different purposes, with the former serving to support government transparency [22] and the latter governing how certain sensitive information is identified, secured, and shared to support the security and resilience of critical energy infrastructure. We do not agree that the new FOIA exemption protecting against mandatory public disclosure of CEII in response to a FOIA request suggests that Congress also intended to prohibit *any* sharing of that CEII without the submitter's consent. Rather, the regulations adopted in Order No. 833 struck an appropriate balance between the FAST Act's provisions protecting CEII from public disclosure with the provisions providing that CEII may be voluntarily shared with certain third parties. Thus, while the FOIA exemption prevents the disclosure of CEII in response to a FOIA request, we disagree with EEI's assertion that the exemption was intended to preclude the Commission from exercising its discretion to share CEII pursuant to the established procedures in 18 CFR 388.113(g)(5)(iii).

B. Criteria for Responding to CEII Requests

Order No. 833

15. In Order No. 833, the Commission concluded that the FAST Act does not require changes to the Commission's existing process for accessing CEII.[23] The Commission also decided to maintain its balancing approach when determining whether to provide CEII to individuals who demonstrated a need for access to CEII under an executed NDA.[24] The Commission noted that a request for access to CEII is case specific to the unique facts and circumstances of each request and, therefore, declined to provide additional guidance and criteria about how it will respond to individual

[13] EEI Request at 7.

[14] *Id.*

[15] *See* 5 U.S.C. 552 *as amended by* the FOIA Improvement Act of 2016, Public Law 114–185, 130 Stat. 538 (2016).

[16] Order No. 833, 157 FERC ¶ 61,123 at P 125.

[17] EEI's argument pertains to the CEII request process found in 18 CFR 388.113(g)(5) of the Commission's regulations. To the extent that EEI's argument indirectly relates to the separate voluntary sharing provisions found in § 388.113(f), its argument does not persuade us to grant rehearing on that section for the same reasons as those provided above. For example, under § 388.113(f), except in exigent circumstances, submitters are provided notice prior to release of CEII and may submit comments. In the event of an exigency like a national security issue, the Commission will provide notice of the disclosure to the submitter of CEII as soon as practicable.

[18] EEI's interpretation suggests that the determination as to whether it is appropriate for the Commission to share CEII should be entirely in the hands of the submitter. Such an approach is inconsistent with the FAST Act as it could limit the Commission's ability to share CEII. In any event, pursuant to § 388.113(d)(1)(iv), a submitter is provided notice of release of CEII under 18 CFR 388.113(g)(5)(iii), and a submitter who disagrees with the determination providing notice of the release of its CEII has the ability to seek injunctive relief in district court.

[19] EEI Request at 7.

[20] As to sharing of CEII by CEII recipients, under our NDAs, CEII recipients may only share CEII with other individuals covered by our NDA for the same information.

[21] EEI Request at 7–8.

[22] *See, e.g., NLRB* v. *Robbins Tire & Rubber Co.,* 437 U.S. 214, 242 (1978) (''The basic purpose of FOIA is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed.'').

[23] Order No. 833, 157 FERC ¶ 61,123 at P 144.

[24] *Id.* P 143.

CEII requests under 18 CFR 388.113(g)(5).[25]

Request

16. EEI asserts that the Commission erred by declining to provide or clarify the criteria that the Commission will use to determine whether a member of the public is eligible to obtain CEII from the Commission.[26] EEI claims that such clarification will provide clear guidance to Commission staff about when a member of the public may receive CEII and afford a better understanding to submitters about the ''benefits or risks involved in providing CEII to the Commission.'' [27] EEI also contends that ''criteria stating that the Commission will consider public safety benefits before releasing CEII to the public may provide CEII submitters with greater reasons to voluntarily provide CEII to the Commission.'' [28]

Commission Determination

17. We grant clarification and deny rehearing of this issue. We continue to believe that the Commission has provided sufficient detail on the circumstances in which the Commission will share CEII.[29] The CEII regulations enable ''individuals with a valid or legitimate need to access certain sensitive energy infrastructure information'' that would otherwise be exempt under FOIA.[30]

18. Since instituting the CEII process in 2003, the Commission has acquired significant experience in processing CEII requests. In particular, the Commission routinely processes CEII requests from, among others, consultants, academics, landowners, and public interest groups. In implementing the provisions of the FAST Act, the Commission is utilizing its vast experience in addressing the various interests of CEII requestors and submitters as well.

19. Furthermore, we disagree with EEI's assertion that the Commission failed to provide any criteria that the CEII Coordinator will use to determine whether a member of the public is eligible to access CEII. As explained in Order No. 833, the Commission has utilized a ''balancing approach effectively in response to Critical Energy Infrastructure Information requests for almost fifteen years. The balancing approach has provided to individuals with a demonstrated need access to information subject to a NDA.'' [31] Consistent with long-standing practice, § 388.113(g)(5)(iii) states that the ''CEII Coordinator will balance the requester's need for the information against the sensitivity of the information.''

20. Contrary to EEI's assertion, in the NOPR and in Order No. 833, we provided clarification regarding the criteria for obtaining CEII by outlining information that a CEII requester must include in its statement of need.[32] We also stated that a conclusory statement of need by a CEII requester will not suffice.[33] Moreover, we note that a request for access to CEII is case specific to the unique facts and circumstances of each request.

21. In its filing, EEI provides one suggestion (*i.e.,* ''public safety benefits'') concerning how the Commission can enhance the criteria to determine whether a member of the public is eligible to obtain CEII from the Commission.[34] We clarify that public safety benefits are one criterion that the CEII Coordinator should consider, as part of the balancing approach described above, in determining whether to share CEII in a particular instance. Overall, we believe that our approach provides sufficient detail on the circumstances in which the Commission will share CEII, while also providing the CEII Coordinator with enough specificity and flexibility to respond to each individual request for CEII.

C. Non-Disclosure Agreement

Order No. 833

22. Order No. 833 included revisions to strengthen the CEII handling requirements for both Commission staff and external recipients. As part of those revisions, the Commission established minimum requirements for the NDAs that recipients of CEII must execute before receiving access to CEII. The Commission explained that the minimum requirements for an NDA are not exhaustive and do not preclude other requirements.[35] Further, the Commission stated that additional provisions may be added to the NDA and submitters may request additional provisions.[36] In response to NOPR comments, the Commission amended § 388.113(h)(2) to add a provision to require CEII recipients to promptly report all unauthorized disclosures of CEII to the Commission.[37]

Request

23. EEI states that the Commission should consider ''modernizing the Commission's CEII NDA even further to mitigate against the risk of a CEII recipient involuntarily sharing CEII with a hostile actor.'' [38] EEI identifies one example of how the Commission may change the CEII NDA. While acknowledging the ''incident response clause'' in § 388.113(h)(2), EEI suggests that the clause could be changed to require the reporting of unauthorized disclosures that actually occurred or ''those reasonably suspected to have occurred.'' [39]

Commission Determination

24. We grant clarification and deny rehearing on this issue. Order No. 833 explained that § 388.113(h)(2) only includes '''minimum' requirements for a NDA and is not intended to be exhaustive or preclude additional provisions, as needed.'' [40] As the Commission stated in Order No. 833, under certain circumstances the Commission may add additional provisions to the NDA and submitters may request that additional provisions be added to the NDA.[41] While we decline to make any changes to the minimum requirements for the NDA, the Commission reiterates that the CEII Coordinator may consider adding additional provisions to the NDA on a case by case basis. However, to the extent EEI seeks a specific change to the NDA or requests that the Commission take further comment on revisions to the NDA at this time, we deny those requests. EEI has not demonstrated that the NDA revisions that we have adopted, or the fact that we will entertain further changes to the NDA as appropriate, are unreasonable or arbitrary.

D. Designation of Commission-Generated Information

Order No. 833

25. In Order No. 833, the Commission determined that for Commission-generated information, the CEII Coordinator, after consultation with the

[25] The Commission, however, outlined the information that an individual seeking access to CEII under 18 CFR 388.113(g)(5) must include in an accompanying statement of need. *See id.*

[26] EEI Request at 6 (averring that nothing in § 388.113(g)(5)(iii) identifies any criteria that the Commission will use before disclosing CEII to a requester).

[27] *Id.* at 9.

[28] *Id.*

[29] *See, e.g.,* 18 CFR 388.113(f) (2017) (providing the procedures for voluntary sharing), § 388.113(g) (providing procedures for accessing CEII).

[30] Order No. 833, 157 FERC ¶ 61,123 at P 3.

[31] *Id.* P 143.

[32] 18 CFR 388.113(g)(5)(i)(B).

[33] *Id.*

[34] EEI Request at 9.

[35] Order No. 833, 157 FERC ¶ 61,123 at P 92.

[36] *Id.*

[37] *Id.* P 93.

[38] EEI Request at 10–11.

[39] *Id.* at 10.

[40] Order No. 833, 157 FERC ¶ 61,123 at P 92.

[41] *Id.* P 92.

appropriate Office Director, will determine whether the information is CEII.[42] The Commission concluded that stakeholder participation in CEII designations of Commission-generated information is unnecessary because the Commission has the expertise and experience to make such determinations.[43] The Commission also noted that in certain instances it would be inappropriate for stakeholders to be privy to Commission-generated information that potentially qualified as CEII.[44] Finally, the Commission stated that an entity is not precluded from raising concerns with the CEII Coordinator when an entity believes that Commission-generated information contains CEII about its facility.[45]

Request

26. EEI requests that the Commission clarify the existing procedures or provide the anticipated procedure for stakeholder ''notification of, and opportunity to comment on, potential disclosure or sharing of Commission-generated information.'' [46] EEI asserts that the Commission erred by failing to provide a process for an entity to comment on the possible disclosure or sharing of Commission-generated CEII.[47] EEI contends that the Commission may incorporate a submitter's CEII in a Commission-generated CEII document that is released to a CEII requester without providing the submitter any opportunity to comment.

27. EEI also contends that the Commission could create a document that combines information that alone did not constitute CEII and was not submitted to the Commission as such, but that combined with other information could constitute CEII.[48] EEI states that in that instance, the submitter would not have had an opportunity to mark the information as CEII.[49] EEI maintains that, in these situations, it would be inconsistent for the Commission not to provide notice and an opportunity to comment.[50]

Commission Determination

28. We grant clarification and deny rehearing on this issue. The FAST Act implicitly recognizes that the Commission has the expertise and experience to determine whether any information, including Commission-generated information, is properly designated as CEII by vesting the Commission with the authority to designate information as CEII. The FAST Act does not require, and EEI identifies no provision in the FAST Act requiring, the Commission to provide notice and opportunity for public comment about the prospective release or sharing of Commission-generated CEII. Furthermore, the Commission is not persuaded that we should establish a requirement for stakeholder input when the Commission combines information not filed as CEII with other information and potentially creates CEII.

29. To the contrary, inherent differences between Commission-generated CEII and CEII from submitters, as well as practical considerations, warrant different procedures. As EEI acknowledges, there are circumstances in which it would be inappropriate for an outside entity to comment on the content of a non-public, Commission-generated CEII document. Nonetheless, EEI asks the Commission to develop a ''consistent process'' for stakeholder participation. We disagree and believe that crafting a broad notification requirement for each Commission-generated document that discusses CEII in some respect would be impractical and, as we noted in Order No. 833, often inappropriate.[51]

30. Therefore, EEI's arguments do not persuade us that a formal, mandatory stakeholder process is needed to comment on the release or sharing of Commission-generated CEII. We, however, clarify that nothing in the FAST Act or the Commission's CEII regulations prevents the CEII Coordinator from exercising discretion in an individual situation to solicit comments from a submitter of CEII or other information when evaluating whether to release a Commission-generated CEII document. We note that even if the Commission determines to release Commission-generated CEII, such a release would be pursuant to an NDA and the Commission's protections against further unwarranted or prohibited disclosure.

E. DOE's Criteria and Procedures for What Constitutes CEII

Order No. 833

31. In Order No. 833, the Commission declined to revise the CEII regulations to identify specific designation criteria and CEII procedures for DOE.[52] The Commission stated that the FAST Act does not compel DOE to make changes to its regulations and noted that nothing within the Commission's regulations limits DOE's ability to designate CEII in accordance with the FAST Act.[53]

Request

32. EEI asserts that the Commission erred in declining to provide or clarify the applicability of any procedure or process for stakeholders regarding DOE designations of its information as CEII.[54] Specifically, EEI requests that the Commission confirm that DOE determinations regarding CEII will be conducted pursuant to the Commission's CEII regulations.[55] EEI further requests that if that is not the case, the Commission should clarify that position, so EEI can seek further clarification from DOE as to the applicable procedures and criteria DOE intends to use for such determinations.[56]

Commission Determination

33. We deny rehearing on this issue. In Order No. 833, the Commission declined to revise our regulations to identify specific designation criteria and CEII procedures that would be required for DOE.[57] EEI's argument here does not persuade us to change that determination. Specifically, section 215A(d)(3) of the FAST Act provides that information ''may be designated'' by the Commission and DOE pursuant to the criteria and procedures that the Commission establishes.[58] As explained in Order No. 833, nothing within the FAST Act compels DOE to make changes to its regulations, and nothing in the Commission's regulations limits DOE's ability to designate information in accordance with the FAST Act.[59]

The Commission Orders

EEI's request for clarification is hereby granted in part and EEI's request

[42] *Id.* P 59.

[43] *Id.* P 60.

[44] *Id.*

[45] *Id.* P 61.

[46] EEI Request at 6.

[47] *Id.*

[48] *Id.* at 13.

[49] *Id.*

[50] *Id.* at 13–14.

[51] Order No. 833, 157 FERC ¶ 61,123 at P 61. For example, Commission-generated documents may include other forms of non-public information such as pre-decisional, internal deliberations covered by the Deliberative Process Privilege. 5 U.S.C. 552(b)(5)(2017) (protecting from disclosure ''intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency.''); *see Russell* v. *Dep't of the Air Force,* 682 F.2d 1045, 1048 (D.C. Cir. 1982); *see also Environmental Protection Agency* v. *Mink,* 410 U.S. 73, 87 (1973) (recognizing that ''[i]t would be impossible to have any frank discussions of legal or policy matters in writing if all such writings were to be subjected to public scrutiny'').

[52] Order No. 833, 157 FERC ¶ 61,123 at P 39.

[53] *Id.*

[54] EEI Request at 7.

[55] *Id.* at 16.

[56] *Id.*

[57] Order No. 833, 157 FERC ¶ 61,123 at P 39.

[58] FAST Act, Public Law 114–94, section 61,003, 129 Stat. 1312, 1776.

[59] Order No. 833, 157 FERC ¶ 61,123 at P 39 (citing NOPR, 155 FERC ¶ 61,278 at P 16 n.12).

for rehearing is denied, as discussed in the body of this order.

By the Commission.

Issued: May 17, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–11537 Filed 5–29–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

Income Taxes

CFR Correction

■ In Title 26 of the Code of Federal Regulations, Part 1 (§§ 1.140 to 1.169), revised as of April 1, 2018, on page 88, in § 1.148–1, paragraph (e)(3) is reinstated to read as follows:

§ 1.148–1 Definitions and elections.

* * * * *

(e) * * *

(3) *Certain hedges.* Investment-type property also includes the investment element of a contract that is a hedge (within the meaning of § 1.148–4(h)(2)(i)(A)) and that contains a significant investment element because a payment by the issuer relates to a conditional or unconditional obligation by the hedge provider to make a payment on a later date. See § 1.148–4(h)(2)(ii) relating to hedges with a significant investment element.

* * * * *

[FR Doc. 2018–11690 Filed 5–29–18; 8:45 am]

BILLING CODE 1301–00–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2016–0625, FRL–9978–24—Region 2]

Approval and Promulgation of Air Quality Implementation Plans; New Jersey; Infrastructure Requirements for the 2008 Lead, 2008 Ozone, 2010 Nitrogen Dioxide, 2010 Sulfur Dioxide, 2011 Carbon Monoxide, 2006 PM_{10}, 2012 $PM_{2.5}$, 1997 Ozone, and the 1997 and 2006 $PM_{2.5}$ National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving elements of New Jersey's State Implementation Plan (SIP) revision submittal regarding the infrastructure requirements of section 110(a)(1) and (2) of the Clean Air Act (CAA) for the 2008 lead, 2008 ozone, 2010 nitrogen dioxide, 2010 sulfur dioxide, 2011 carbon monoxide, 2006 particulate matter of 10 microns or less (PM_{10}), and 2012 particulate matter of 2.5 microns or less ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS). The EPA is also approving three infrastructure requirements of the 1997 ozone and the 1997 and 2006 $PM_{2.5}$ NAAQS. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA.

DATES: This final rule is effective on June 29, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID Number EPA–R02–OAR–2016–0625. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Anthony (Ted) Gardella, Environmental Protection Agency, 290 Broadway, New York, New York 10007–1866, at (212) 637–3892, or by email at *Gardella.Anthony@epa.gov.*

SUPPLEMENTARY INFORMATION: The **SUPPLEMENTARY INFORMATION** section is arranged as follows:

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I. What is the background for this action?
II. What comments were received in response to the EPA's proposed action?
III. What action is the EPA taking?
IV. Incororation by Reference
V. Statutory and Executive Order Reviews

I. What is the background for this action?

Under sections 110(a)(1) and (2) of the Clean Air Act (CAA), each state is required to submit a State Implementation Plan (SIP) that provides for the implementation, maintenance, and enforcement of a revised primary or secondary National Ambient Air Quality Standards (NAAQS or standard). CAA sections 110(a)(1) and (2) require each state to make a new SIP submission within three years after the EPA promulgates a new or revised NAAQS for approval into the existing federally-approved SIP to assure that the SIP meets the applicable requirements for such new and revised NAAQS.

On March 1, 2018 (83 FR 8818), the EPA published a Notice of Proposed Rulemaking (NPR) in the **Federal Register** for the State of New Jersey. The NPR proposed to approve elements of the State of New Jersey's Infrastructure SIP submission, dated October 17, 2014, and as supplemented on March 15, 2017, as meeting the CAA section 110(a) infrastructure requirements for the following NAAQS: 2008 ozone, 2008 lead, 2010 nitrogen dioxide (NO_2), 2010 sulfur dioxide (SO_2), 2011 carbon monoxide (CO), 2006 particulate matter of 10 microns or less (PM_{10}), and 2012 particulate matter of 2.5 microns or less ($PM_{2.5}$). Although not specifically required by 110(a)(1) since neither NAAQS was new or revised,[1] the SIP submission included infrastructure requirements for the 2006 PM_{10} and 2011 CO NAAQS. As explained in the NPR, the State has the necessary infrastructure, resources and general authority to implement the 2008 ozone, 2008 lead, 2010 NO_2, 2010 SO_2, 2011 CO, 2006 PM_{10}, and 2012 $PM_{2.5}$ NAAQS, except where specifically noted.

The EPA also proposed to approve three CAA section 110(a) infrastructure requirements for the 1997 ozone and the 1997 and 2006 $PM_{2.5}$ NAAQS that were conditionally approved by the EPA on June 14, 2013 (78 FR 35764). New Jersey's response to the conditional approval was not submitted to EPA within one year, but was submitted approximately three months late, and supplemented on March 15, 2017, so the conditional approval is treated as a disapproval. The EPA also proposed to approve New Jersey's October 17, 2014 submittal, as supplemented on March 15, 2017, for the 1997 ozone and the 1997 and 2006 $PM_{2.5}$ NAAQS.

Other detailed information relevant to this action on New Jersey's infrastructure SIP submission, the requirements of infrastructure SIPs and the rationale for the EPA's proposed action are explained in the NPR and the associated Technical Support Document (TSD) in the docket and are not restated here.

[1] EPA notes that, when promulgated, the 2006 24 hour PM_{10} NAAQS and the 2011 primary CO NAAQS were neither ''new'' nor ''revised'' NAAQS—they merely retained, without revision, prior NAAQS for those pollutants. Accordingly, promulgation of these NAAQS did not trigger a new obligation for New Jersey to make infrastructure SIP submissions.

II. What comments were received in response to the EPA's proposed action?

In response to the EPA's March 1, 2018 proposed rulemaking on New Jersey's infrastructure SIP submission dated October 17, 2014, and as supplemented on March 15, 2017, the EPA received fifteen comments from the public during the 30-day public comment period. After reviewing the comments, the EPA has determined that the comments are outside the scope of our proposed action or fail to identify any material issue necessitating a response. None of the comments raise issues germane to the EPA's proposed action. For this reason, the EPA will not provide a specific response to the comments. The comments may be viewed under Docket ID Number EPA–R02–OAR–2016–0625 on the *http://www.regulations.gov* website.

III. What action is the EPA taking?

The EPA is approving New Jersey's infrastructure submittal dated October 17, 2014, as supplemented on March 15, 2017, for the 2008 ozone, 2008 lead, 2010 NO_2, 2010 SO_2, 2011 CO, 2006 PM_{10}, and 2012 $PM_{2.5.}$ NAAQS, respectively, as meeting the requirements of section 110(a)(2) of the CAA, including specifically sections 110(a)(2)(A), (B), (C) (with the exception of program requirements for PSD and the permitting program for minor sources and minor modifications), (E), (F), (G), (H), (J) (with the exception of program requirements related to PSD and visibility), (K), (L), and (M) of the CAA.

The EPA is not taking action on the following elements that are not germane to infrastructure SIPs: sections 110(a)(2)(C) (sub-element related to nonattainment permitting); 110(a)(2)(I); and the visibility requirements of section 110(a)(2)(J). In addition, with respect to 2008 lead, 2010 NO_2, 2010 SO_2, 2011 CO, 2006 PM_{10}, and 2012 $PM_{2.5}$ NAAQS, the EPA previously took action on CAA element 110(a)(2)(D)(i)(II) [prongs 3 and 4] and will take action on CAA element 110(a)(2)(D)(i)(I) [prongs 1 and 2] at a later date. As noted in the NPR, New Jersey withdrew the portion of its October 17, 2014 SIP submission addressing 110(a)(2)(D)(i)(I) with respect to the 2008 8-hour ozone NAAQS.

Also, with respect to the 1997 ozone and the 1997 and 2006 $PM_{2.5.}$ NAAQS, the EPA is approving that New Jersey has met the infrastructure SIP requirements pertaining to sections 110(a)(2)(E)(ii) [conflict of interest] and (E)(iii) [oversight of local governments and local authorities]; and with respect to the 1997 ozone NAAQS, we are approving that New Jersey has met the infrastructure SIP requirements pertaining to section 110(a)(2)(G) [emergency powers].

The EPA is deleting the deficiency at 40 CFR 52.1579 because the deficiency identified is resolved by the approval of CAA section 110(a)(2)(E)(iii) for each of the NAAQS indicated in this action.

In addition, the EPA is incorporating into the New Jersey SIP the following regulation and statutes:

N.J.S.A. 52:13D–14, 52:13D–16(a)–(b) and 52:13D–21(n) ''New Jersey's Conflict of Interest Law,'' [2]

N.J.A.C 7:27–12, ''Prevention and Control of Air Pollution Emergencies.'' [3]

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference the regulation and statutes identified at the bottom of Section III of this rule. The EPA has made, and will continue to make, these documents generally available through *www.regulations.gov* and at the EPA Region 2 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[4]

V. Statutory and Executive Order Reviews

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

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

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a

[2] N.J.S.A. 52:13D–14 (effective January 11, 1972). 52:13D–16 (effective January 11, 1972); most recent amendment to 52:13D–16, (September 16, 1996). 52:13D–21 (effective January 11, 1972), subsection 52:13D–21(n) (effective March 15, 2006).

[3] N.J.A.C 7:27–12 (state effective October 24, 1969 as amended May 20, 1974).

[4] 62 FR 27968 (May 22, 1997).

copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

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

List of Subjects in 40 CFR Part 52

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

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

Dated: May 8, 2018.

Peter D. Lopez,

Regional Administrator, Region 2.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart FF—New Jersey

■ 2. In § 52.1570:

■ a. The table in paragraph (c) is amended by:

■ i. Revising the table heading;

■ ii. Revising the entry for ''Title 7, Chapter 27, Subchapter 12''; and

■ iii. Adding entries for ''N.J.S.A. 52:13D–14,'' ''52:13D–16(a)–(b),'' and ''52:13D–21(n)'' at the end of the table; and

■ b. The table in paragraph (e) is amended by adding an entry for ''NJ Infrastructure SIP for the 2008 Lead, 2008 Ozone, 2010 Nitrogen Dioxide, 2010 Sulfur Dioxide, 2011 Carbon Monoxide, 2006 PM_{10}, 2012 $PM_{2.5}$, 1997 Ozone, and the 1997 and 2006 $PM_{2.5}$ Standards'' at the end of the table.

The revisions and additions read as follows:

§ 52.1570 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED NEW JERSEY STATE REGULATIONS AND LAWS

State citation	Title/subject	State effective date	EPA approval date	Comments
* *	*	*	* *	*
Title 7, Chapter 27, Subchapter 12.	Prevention and Control of Air Pollution Emergencies.	May 20, 1974	May 30, 2018, [Insert **Federal Register** citation].	
* *	*	*	* *	*
N.J.S.A. 52:13D–14	New Jersey's Conflict of Interest Law.	January 11, 1972	May 30, 2018, [Insert **Federal Register** citation].	
N.J.S.A.52:13D–16(a)-(b)	New Jersey's Conflict of Interest Law.	September 16, 1996	May 30, 2018, [Insert **Federal Register** citation].	
N.J.S.A. 52:13D–21(n)	New Jersey's Conflict of Interest Law.	March 15, 2006	May 30, 2018, [Insert **Federal Register** citation].	

* * * * *

(e) * * *

EPA-APPROVED NEW JERSEY NONREGULATORY AND QUASI-REGULATORY PROVISIONS

SIP element	Applicable geographic or nonattainment area	New Jersey submittal date	EPA approval date	Explanation
* *	*	* *	*	*
NJ Infrastructure SIP for the 2008 Lead, 2008 Ozone, 2010 Nitrogen Dioxide, 2010 Sulfur Dioxide, 2011 Carbon Monoxide, 2006 PM_{10}, 2012 $PM_{2.5}$, 1997 Ozone, and the 1997 and 2006 $PM_{2.5}$ Standards.	State-wide	October 17, 2014 and supplemented on March 15, 2017.	May 30, 2018, [Insert **Federal Register** citation].	

§ 52.1579 [Removed and Reserved]

■ 3. Section 52.1579 is removed and reserved.

■ 4. Section 52.1586 is amended by:

■ a. Revising paragraph (a)(1);

■ b. Removing and reserving paragraph (a)(3); and

■ c. Adding a sentence at the end of paragraph (b)(1).

The revision and addition read as follows:

§ 52.1586 Section 110(a)(2) infrastructure requirements.

(a) * * *

(1) *Approval.* In a February 25, 2008 submittal and supplemented on January 15, 2010, and in an October 17, 2014 submittal, as supplemented on March 15, 2017, New Jersey certified that the State has satisfied the Clean Air Act (CAA) infrastructure requirements of section 110(a)(2) for the 1997 8-hour

ozone and the 1997 and 2006 $PM_{2.5}$ NAAQS requirements of CAA sections 110(a)(2)(A), (B), (C) (enforcement program only), (D)(i)(II) prong 4 (visibility), (E), (F), (G), (H), (J) (consultation and public notification only), (K), (L), and (M).

* * * * *

(b) * * *

(1) * * * Submittal from New Jersey dated October 17, 2014, as supplemented on March 15, 2017, to address the CAA infrastructure requirements of section 110(a)(2) for the 2008 Lead, 2008 8-hour ozone, 2010 NO_2, 2010 SO_2, 2012 $PM_{2.5}$, 2006 PM_{10}, and 2011 CO NAAQS is approved for (A), (B), (C) (enforcement program only), (E), (F), (G), (H), (J) (consultation and public notification only), (K), (L), and (M).

* * * * *

[FR Doc. 2018–10801 Filed 5–29–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 260 and 261

[EPA–HQ–OLEM–2018–0185; FRL–9977–56–OLEM]

Response to Vacatur of Certain Provisions of the Definition of Solid Waste Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency is revising regulations associated with the definition of solid waste under the Resource Conservation and Recovery Act. These revisions implement vacaturs ordered by the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit), on July 7, 2017, as modified on March 6, 2018.

DATES: This final rule is effective on May 30, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OLEM–2018–0185. 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.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the EPA Docket Center. See *https://www.epa.gov/dockets/epa-docket-center-reading-room* for more information on the Public Reading Room.

FOR FURTHER INFORMATION CONTACT: Office of Resource Conservation and Recovery, Materials Recovery and Waste Management Division, MC 5304P, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460, Tracy Atagi, at (703) 308–8672, (*atagi.tracy@epa.gov*).

SUPPLEMENTARY INFORMATION:

Preamble Outline

I. General Information
II. Statutory Authority
III. Which regulations is EPA removing and replacing?
IV. When will the final rule become effective?
V. State Authorization
VI. Statutory and Executive Order (E.O.) Reviews

I. General Information

A. Does this action apply to me?

This final rule applies to facilities that generate or recycle hazardous secondary materials (HSM). According to the revisions to the definition of solid waste promulgated in 2015, entities potentially affected by the original rule include over 5,000 industrial facilities in 634 industries (at the 6-digit North American Industry Classification System (NAICS) code level).[1] Most of these 634 industries have relatively few entities that are potentially affected. The top-5 economic sectors (at the 2-digit NAICS code level) with the largest number of potentially affected entities are as follows: (1) 41% in NAICS code 33—the manufacturing sector, which consists of metals, metal products, machinery, computer & electronics, electrical equipment, transportation equipment, furniture, and miscellaneous manufacturing subsectors, (2) 23% in NAICS code 32—the manufacturing sector, which consists of wood products, paper, printing, petroleum & coal products, chemicals plastics & rubber products, and nonmetallic mineral products manufacturing subsectors, (3) 3.0% in NAICS code 92—the public administration sector, (4) 2.9% in NAICS code 61—the educational services sector, and (5) 2.8% in NAICS code 54—the professional, scientific and technical services sector.

[1] 80 FR 1694/2, January 13, 2015.

B. Why is EPA issuing a final rule?

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B), provides that, when an agency for good cause finds that notice and public procedures are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for revising these provisions without prior proposal and opportunity for comment, because these revisions simply undertake the ministerial task of implementing court orders vacating these rules and reinstating the prior versions. As a matter of law, the orders issued by the United States Court of Appeals for the District of Columbia Circuit on July 7, 2017 and amended on March 6, 2018, (1) vacated the 2015 verified recycler exclusion for hazardous waste that is recycled off-site (except for certain provisions); (2) reinstated the transfer-based exclusion from the 2008 rule to replace the now-vacated 2015 verified recycler exclusion; (3) upheld the containment and emergency preparedness provisions of the 2015 rule; (4) vacated Factor 4 of the 2015 definition of legitimate recycling in its entirety; and (5) reinstated the 2008 version of Factor 4 to replace the now-vacated 2015 version of Factor 4.[2] It is, therefore, unnecessary to provide notice and an opportunity for comment on this action, which merely carries out the court's orders.

In addition, EPA finds that it has good cause to make the revisions immediately effective under section 553(d) of the Administrative Procedure Act, 5 U.S.C. 553(d), and section 3010(b) of RCRA, 42 U.S.C. 6930(b). Section 553(d) provides that final rules shall not become effective until 30 days after publication in the **Federal Register**, ''except . . . as otherwise provided by the agency for good cause,'' among other exceptions. The purpose of this provision is to ''give affected parties a reasonable time to adjust their behavior before the final rule takes effect.'' *Omnipoint Corp.* v. *FCC,* 78 F.3d 620, 630 (D.C. Cir. 1996); *see also United States* v. *Gavrilovic,* 551 F.2d 1099, 1104 (8th Cir. 1977) (quoting legislative history). Thus, in determining whether good cause exists to waive the 30-day delay, an agency should ''balance the necessity for immediate implementation against principles of fundamental fairness which require that all affected persons be afforded a reasonable amount of time

[2] *API* v. *EPA,* 862 F.3d 50 (DC Cir. 2017), *reh'g granted,* No. 09–1038, 2018 U.S. App. LEXIS 5613 (DC Cir. Mar. 6, 2018).

to prepare for the effective date of its ruling.'' *Gavrilovic,* 551 F.2d at 1105. EPA has determined that there is good cause for making this final rule effective immediately because this action merely implements court orders that vacate certain regulatory provisions and reinstate the prior versions. The court issued the mandate for its decision on March 14, 2018, at which point the orders became effective. Delaying the effectiveness of this rulemaking would lengthen the period between the change in the law (*i.e.,* the court's mandate) and the corresponding update to the regulations. Minimizing that time period should reduce the possibility of confusion for the regulated community, state and local governments, and the public. Moreover, the Agency believes that delaying the effectiveness of this rule would not offer any benefits. As a result, EPA is making this rule immediately effective.

II. Statutory Authority

These regulations are promulgated under the authority of sections 2002, 3001, 3002, 3003, 3004, 3006, 3010, and 3017 of the Solid Waste Disposal Act of 1965, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA) This statute is commonly referred to as ''RCRA.''

III. Which regulations is EPA removing and replacing?

A. Removal of the 2015 Verified Recycler Exclusion and Reinstatement of the 2008 Transfer-Based Exclusion, With Modifications

In the 2015 DSW rule, EPA replaced the 2008 DSW rule transfer-based exclusion found at 40 CFR 261.4(a)(24)–(25) with the verified recycler exclusion, found at 40 CFR 261.4(a)(24).[3] (The goal of both exclusions was to exempt from regulation off-site recycling of hazardous waste when certain conditions are met). In promulgating the 2015 verified recycler exclusion EPA made four key changes to the language of the 2008 transfer-based exclusion: (1) Removed a prohibition that had made certain spent petroleum catalysts (hazardous waste codes K171 and K172) ineligible for the new recycling exclusions (*i.e.,* these materials became eligible under the 2015 exclusion); (2) added a specific ''contained'' standard for the management of the materials prior to being recycled; (3) added emergency preparedness and response requirements; and (4) replaced a requirement for generators to make a ''reasonable effort'' to audit the recycling facility prior to sending their material to be recycled with a requirement that the recycling facility obtain a variance from the regulations prior to accepting the recyclable materials.

In its decisions vacating the 2015 verified recycler exclusion and ordering the reinstatement of the 2008 transfer-based exclusion, the court found that the first three provisions noted above were severable from the rest of the verified recycler exclusion and would not be affected by the vacatur. Instead, these provisions are retained in the reinstated transfer-based exclusion found in the revised version of 40 CFR 261.4(a)(24) being finalized with this action. In addition, the export requirements for the transfer-based exclusion found at 40 CFR 261.4(a)(25) are also reinstated.[4] Finally, the following conforming changes are made in response to the vacatur of the verified recycler exclusion and reinstatement of the transfer-based exclusion (1) references to the verified recycler variance process are removed from 40 CFR 260.30 and 40 CFR 260.31, (2) the reference to the financial assurance notification requirement reinstated under the transfer-based exclusion is added back into 40 CFR 260.42(a)(5), and (3) the language in 40 CFR 261.4(a)(25) is updated to reflect the fact that subsequent to the 2015 withdrawal of the transfer-based exclusion, the applicable export definitions were moved to 40 CFR 262.81, and the paper submittal of RCRA export notices and export annual reports was replaced with electronic submittal via EPA's Waste Import Export Tracking System (WIETS). (81 FR 85696, November 28, 2016; 82 FR 41015, August 29, 2017).

B. Removal of the 2015 Factor Four in the Definition of Legitimate Recycling and Reinstatement of the 2008 Factor Four

In the 2015 DSW rule, EPA revised the definition of legitimate recycling found at 40 CFR 260.43, which was originally promulgated in the 2008 DSW rule. In both the 2008 and 2015 versions of the regulation, the legitimacy provision was designed to distinguish between real recycling activities—legitimate recycling—and ''sham'' recycling, an activity undertaken by an entity to avoid the requirements of managing a hazardous secondary material as a hazardous waste. This provision represented the codification of a long-standing policy prohibiting sham recycling which had previously been applied via **Federal Register** preamble and guidance documents, most notably through the 1989 ''Lowrance memo'' which discussed over a dozen factors to be considered.

The existing policy in that 1998 memo was condensed and codified into regulation in 2008 as four separate factors, summarized as follows. Factor 1 addresses the concept that legitimate recycling involves a hazardous secondary material that provides a useful contribution to the recycling process, or to a product or intermediate of the recycling process. Factor 2 addresses the concept that the legitimate recycling process produces a valuable product or intermediate. Factor 3 addresses the concept that under legitimate recycling, the generator and the recycler manages the hazardous secondary material as a valuable commodity when it is under their control. Factor 4 addresses the concept that the product of the recycling process is comparable to a legitimate product or intermediate in terms of hazardous constituents or characteristics. Under the 2008 rule, the first two factors had to be satisfied while the latter two factors had to be considered. In addition, the codified legitimacy test only applied to the then-new Generator-Controlled and Transfer-based exclusions, and to non-waste determinations under 260.34. *See* 40 CFR 260.43(b), (c) (2008).

The 2015 revisions made the following changes to the four legitimacy factors: (1) All four factors were made to apply to all excluded recycling, including recycling exclusions that predated the 2008 rule (2) Factors 3 and 4 became mandatory factors (in the 2008 rule, they were merely factors to be ''considered''), and (3) the substance of Factors 3 and 4 changed to add flexibility since the factors had become mandatory.

In its decisions, the Court vacated Factor 4, but left in place all other 2015 changes to the legitimacy factors. The net result is as follows: (1) The 2015 version of Factor 4 is vacated in its entirety; (2) the 2015 change making the legitimacy factors applicable to all exclusions remains; (3) Factor 3 remains mandatory per the 2015 changes; and (4) the 2008 version of Factor 4 (which

[3] The **Federal Register** citation for the ''2015 DSW rule'' is 80 FR 1694, January 13, 2015, and for the ''2008 DSW rule'' is 73 FR 64668, October 30, 2008.

[4] The court characterized the 2008 transfer-based exclusion this way: ''EPA adopted the first edition, the Transfer-Based Exclusion, as part of its 2008 Rule . . . previously codified at 40 CFR 261.4(a)(24)–(25) (2014).'' *API,* 862 F.3d at 64. The court's citation encompasses both the domestic (*i.e.,* paragraph (a)(24) and export (*i.e.,* paragraph (a)(25)) parts of the exclusion. The court then concluded that ''the [2008] Transfer-Based Exclusion is reinstated.'' *Id.* at 75. Consequently, this action includes both paragraphs (a)(24) and (25).

requires only that the factor be ''considered'') replaces the now-vacated 2015 version. In addition, a reference in 40 CFR 261.4(a)(23)(ii)(E) requiring documentation of how ''all four factors in 40 CFR 260.43(a) are met'' has been revised to conform with the court decisions.

IV. When will the final rule become effective?

The revisions to 40 CFR 260.42, 40 CFR 260.43, 40 CFR 261.4(a)(23) and 40 CFR 261.4(a)(24); the reinstatement of 261.4(a)(25), and the removal of 40 CFR 260.30(f) and 260.31(d) are effective immediately.

V. State Authorization

A. Applicability of Rules in Authorized States

Under section 3006 of RCRA, EPA may authorize a qualified state to administer and enforce a hazardous waste program within the state in lieu of the federal program, and to issue and enforce permits in the state. A state may receive authorization by following the approval process described in 40 CFR 271.21 (see 40 CFR part 271 for the overall standards and requirements for authorization). EPA continues to have independent authority to bring enforcement actions under RCRA sections 3007, 3008, 3013, and 7003. An authorized state also continues to have independent authority to bring enforcement actions under state law.

After a state receives initial authorization, new federal requirements and prohibitions promulgated under RCRA authority existing prior to the 1984 Hazardous and Solid Waste Amendments (HSWA) do not apply in that state until the state adopts and receives authorization for equivalent state requirements. In contrast, under RCRA section 3006(g) (42 U.S.C. 6926(g)), new federal requirements and prohibitions promulgated under HSWA provisions take effect in authorized states at the same time that they take effect in unauthorized states. As such, EPA carries out the HSWA requirements and prohibitions in authorized states, including the issuance of new permits implementing those requirements, until EPA authorizes the state to do so.

Authorized states are required to modify their programs only when EPA enacts federal requirements that are more stringent or broader in scope than existing federal requirements. Under RCRA section 3009, states may impose standards that are more stringent than those in the federal program (see also 40 CFR 271.1(i)). Therefore, authorized states are not required to adopt new federal regulations that are considered less stringent than previous federal regulations or that narrow the scope of the RCRA program. Previously authorized hazardous waste regulations would continue to apply in those states that do not adopt ''deregulatory'' rules.

B. Effect on State Authorization of D.C. Circuit Court Vacaturs

On March 14, 2018, the D.C. Circuit Court issued its mandate, effectuating the vacaturs as described earlier in this document. The court's vacaturs mean that the vacated provisions of these federal rules are legally null and void and the corresponding regulatory requirements that were previously in effect are reinstated as if the vacated parts of the rules never existed. At the federal level, because the effect of the vacaturs means, in essence, that the vacated provisions of these rules should not have been promulgated, this **Federal Register** action serves to remove the vacated provisions from the federal regulations and replaces them with the regulations that were previously in effect. At the state level, because no state rules were challenged in the litigation, the court decision does not directly affect any state regulations. However, the vacaturs do have an impact on the authorization status of state regulations. The multiple scenarios that exist in the states are discussed below.

1. States Without Final RCRA Authorization

For states and territories that have no RCRA authorization, the vacaturs mean that the reinstated federal rules are now effect in those states and this **Federal Register** action alerts interested parties of the removal of the vacated parts of the rules from the Code of Federal Regulations and their replacement with the previously promulgated provisions.

2. States That Have Final Authorization But Did Not Promulgate Similar Rules

For states and territories that have RCRA authorization but did not adopt the 2015 verified recycler exclusion (and therefore were not authorized for the exclusion), these states are not required to adopt or become authorized for the transfer-based exclusion being reinstated today because the transfer-based exclusion is less stringent than full Subtitle C hazardous waste regulation.

However, states and territories that have RCRA authorization but have not adopted the 2015 definition of legitimate recycling at 40 CFR 260.43 are required to adopt and become authorized for a definition of legitimate recycling that is equivalent to and at least as stringent as the definition being promulgated today.

3. States That Adopted Similar Rules But Are Not Yet Authorized for Them

For states that have adopted rules similar to the verified recycler exclusion and the 2015 definition of legitimate recycling, but have not yet been authorized for them, the vacatur of the federal rules will not change the authorization status of the state programs. The authorization status that was established prior to the adoption of the state counterpart rules remains in effect. The vacaturs and subsequent reinstatement of various provisions of the prior federal rules will result in state provisions that are broader in scope than the federal program as it pertains to the specific vacated provisions.

4. States That Adopted Similar Rules and Have Been Authorized for Them

For states that have previously been authorized for rules similar to the verified recycler exclusion and the 2015 definition of legitimate recycling, and have been authorized for them, the effect of the vacaturs is that those previously-authorized state provisions will be considered broader in scope than the federally program as it pertains to the specific vacated provisions.

VI. Statutory and Executive Order (E.O.) Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993) and Executive Order 13563 (76 FR 3821, January 21, 2011), the Office of Management and Budget (OMB) waived review of this action. Because this action is not subject to notice and comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) or Sections 202 and 205 of the Unfunded Mandates Reform Act of 1999 (UMRA) (Pub. L. 104–4). In addition, this action does not significantly or uniquely affect small governments. This action does not create new binding legal requirements that substantially and directly affect Tribes under Executive Order 13175 (65 FR 67249, November 9, 2000). This action does not have significant Federalism implications under Executive Order 13132 (64 FR 43255, August 10, 1999). Because this final rule is not a significant regulatory action under Executive Order 12866, this final rule is not subject to Executive Order 13771, entitled Reducing Regulations and Controlling Regulatory Costs; Executive Order 13211, entitled Actions Concerning Regulations That

Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001); or Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997). This action does not 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). This action does not involve technical standards; thus, the requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

A. Paperwork Reduction Act (PRA)

To implement the court vacatur, EPA submitted an emergency ICR amendment to OMB with OMB control number 2050–0202 (EPA ICR Number 2310.05). You can find a copy of the ICR amendment in the docket for this rule. The ICR amendment reflects changes due to the vacatur, which are expected to affect a total of 105 facilities, resulting in a total net burden reduction of 2,122 hours and $26,132.21 per year. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

B. Congressional Review Act (CRA)

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* generally provides that before certain actions may take effect, the agency promulgating the action must submit a report, which includes a copy of the action, to each House of the Congress and to the Comptroller General of the United States. Because this final action only implements the court vacatur, and the Agency has made a good cause finding that notice and comment is unnecessary, it is not subject to the Congressional Review Act.

List of Subjects

40 CFR Part 260

Environmental protection, Administrative practice and procedure, Hazardous waste, Reporting and recordkeeping requirements.

40 CFR Part 261

Environmental protection, Hazardous waste, Recycling, Solid waste.

Dated: May 23, 2018.

E. Scott Pruitt,

Administrator.

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

PART 260—HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

■ 1. The authority citation for part 260 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921–6927, 6930, 6934, 6935, 6937, 6938, 6939, and 6974.

§ 260.30 [Amended]

■ 2. Section 260.30 is amended by removing paragraph (f).

§ 260.31 [Amended]

■ 3. Section 260.31 is amended by removing paragraph (d).

■ 4. Section 260.42 is amended by revising paragraph (a) to read as follows:

§ 260.42 Notification requirement for hazardous secondary materials.

(a) Facilities managing hazardous secondary materials under §§ 260.30, 261.4(a)(23), 261.4(a)(24), 261.4(a)(25), or 261.4(a)(27) must send a notification prior to operating under the regulatory provision and by March 1 of each even-numbered year thereafter to the Regional Administrator using EPA Form 8700–12 that includes the following information:

(1) The name, address, and EPA ID number (if applicable) of the facility;

(2) The name and telephone number of a contact person;

(3) The NAICS code of the facility;

(4) The regulation under which the hazardous secondary materials will be managed;

(5) For reclaimers and intermediate facilities managing hazardous secondary materials in accordance with § 261.4(a)(24) or (25), whether the reclaimer or intermediate facility has financial assurance (not applicable for persons managing hazardous secondary materials generated and reclaimed under the control of the generator);

(6) When the facility began or expects to begin managing the hazardous secondary materials in accordance with the regulation;

(7) A list of hazardous secondary materials that will be managed according to the regulation (reported as the EPA hazardous waste numbers that would apply if the hazardous secondary materials were managed as hazardous wastes);

(8) For each hazardous secondary material, whether the hazardous secondary material, or any portion thereof, will be managed in a land-based unit;

(9) The quantity of each hazardous secondary material to be managed annually; and

(10) The certification (included in EPA Form 8700–12) signed and dated by an authorized representative of the facility.

■ 5. Section 260.43 is amended by revising paragraph (a) and adding paragraph (b) to read as follows:

§ 260.43 Legitimate recycling of hazardous secondary materials.

(a) Recycling of hazardous secondary materials for the purpose of the exclusions or exemptions from the hazardous waste regulations must be legitimate. Hazardous secondary material that is not legitimately recycled is discarded material and is a solid waste. In determining if their recycling is legitimate, persons must address all the requirements of this paragraph and must consider the requirements of paragraph (b) of this section.

(1) Legitimate recycling must involve a hazardous secondary material that provides a useful contribution to the recycling process or to a product or intermediate of the recycling process. The hazardous secondary material provides a useful contribution if it:

(i) Contributes valuable ingredients to a product or intermediate; or

(ii) Replaces a catalyst or carrier in the recycling process; or

(iii) Is the source of a valuable constituent recovered in the recycling process; or

(iv) Is recovered or regenerated by the recycling process; or

(v) Is used as an effective substitute for a commercial product.

(2) The recycling process must produce a valuable product or intermediate. The product or intermediate is valuable if it is:

(i) Sold to a third party; or

(ii) Used by the recycler or the generator as an effective substitute for a commercial product or as an ingredient or intermediate in an industrial process.

(3) The generator and the recycler must manage the hazardous secondary material as a valuable commodity when it is under their control. Where there is an analogous raw material, the hazardous secondary material must be managed, at a minimum, in a manner consistent with the management of the raw material or in an equally protective manner. Where there is no analogous raw material, the hazardous secondary material must be contained. Hazardous secondary materials that are released to the environment and are not recovered immediately are discarded.

(b) The following factor must be considered in making a determination as to the overall legitimacy of a specific recycling activity.

(1) The product of the recycling process does not:

(i) Contain significant concentrations of any hazardous constituents found in appendix VIII of part 261 that are not found in analogous products; or

(ii) Contain concentrations of hazardous constituents found in appendix VIII of part 261 at levels that are significantly elevated from those found in analogous products, or

(iii) Exhibit a hazardous characteristic (as defined in part 261 subpart C) that analogous products do not exhibit.

(2) In making a determination that a hazardous secondary material is legitimately recycled, persons must evaluate all factors and consider legitimacy as a whole. If, after careful evaluation of these considerations, the factor in this paragraph is not met, then this fact may be an indication that the material is not legitimately recycled. However, the factor in this paragraph does not have to be met for the recycling to be considered legitimate. In evaluating the extent to which this factor is met and in determining whether a process that does not meet this factor is still legitimate, persons can consider exposure from toxics in the product, the bioavailability of the toxics in the product and other relevant considerations.

* * * * *

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

■ 6. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, 6924(y) and 6938.

Subpart A—General

■ 7. Section 261.4 is amended as follows:

■ a. Republish paragraph (a) introductory text;

■ b. Revise paragraphs (a)(23) introductory text, (a)(23)(ii), and (a)(24); and

■ c. Add paragraph (a)(25).

The revisions and additions read as follows:

§ 261.4 Exclusions.

(a) *Materials which are not solid wastes.* The following materials are not solid wastes for the purpose of this part:

* * * * *

(23) Hazardous secondary material generated and legitimately reclaimed within the United States or its territories and under the control of the generator, provided that the material complies with paragraphs (a)(23)(i) and (ii) of this section:

* * * * *

(ii)(A) The hazardous secondary material is contained as defined in § 260.10 of this chapter. A hazardous secondary material released to the environment is discarded and a solid waste unless it is immediately recovered for the purpose of reclamation. Hazardous secondary material managed in a unit with leaks or other continuing or intermittent unpermitted releases is discarded and a solid waste.

(B) The hazardous secondary material is not speculatively accumulated, as defined in § 261.1(c)(8).

(C) Notice is provided as required by § 260.42 of this chapter.

(D) The material is not otherwise subject to material-specific management conditions under paragraph (a) of this section when reclaimed, and it is not a spent lead-acid battery (see §§ 266.80 and 273.2 of this chapter).

(E) Persons performing the recycling of hazardous secondary materials under this exclusion must maintain documentation of their legitimacy determination on-site. Documentation must be a written description of how the recycling meets all three factors in § 260.43(a) and how the factor in § 260.43(b) was considered. Documentation must be maintained for three years after the recycling operation has ceased.

(F) The emergency preparedness and response requirements found in subpart M of this part are met.

(24) Hazardous secondary material that is generated and then transferred to another person for the purpose of reclamation is not a solid waste, provided that:

(i) The material is not speculatively accumulated, as defined in § 261.1(c)(8);

(ii) The material is not handled by any person or facility other than the hazardous secondary material generator, the transporter, an intermediate facility or a reclaimer, and, while in transport, is not stored for more than 10 days at a transfer facility, as defined in § 260.10 of this chapter, and is packaged according to applicable Department of Transportation regulations at 49 CFR parts 173, 178, and 179 while in transport;

(iii) The material is not otherwise subject to material-specific management conditions under paragraph (a) of this section when reclaimed, and it is not a spent lead-acid battery (see §§ 266.80 and 273.2 of this chapter);

(iv) The reclamation of the material is legitimate, as specified under § 260.43 of this chapter;

(v) The hazardous secondary material generator satisfies all of the following conditions:

(A) The material must be contained as defined in § 260.10. A hazardous secondary material released to the environment is discarded and a solid waste unless it is immediately recovered for the purpose of recycling. Hazardous secondary material managed in a unit with leaks or other continuing releases is discarded and a solid waste.

(B) Prior to arranging for transport of hazardous secondary materials to a reclamation facility (or facilities) where the management of the hazardous secondary materials is not addressed under a RCRA part B permit or interim status standards, the hazardous secondary material generator must make reasonable efforts to ensure that each reclaimer intends to properly and legitimately reclaim the hazardous secondary material and not discard it, and that each reclaimer will manage the hazardous secondary material in a manner that is protective of human health and the environment. If the hazardous secondary material will be passing through an intermediate facility where the management of the hazardous secondary materials is not addressed under a RCRA part B permit or interim status standards, the hazardous secondary material generator must make contractual arrangements with the intermediate facility to ensure that the hazardous secondary material is sent to the reclamation facility identified by the hazardous secondary material generator, and the hazardous secondary material generator must perform reasonable efforts to ensure that the intermediate facility will manage the hazardous secondary material in a manner that is protective of human health and the environment. Reasonable efforts must be repeated at a minimum of every three years for the hazardous secondary material generator to claim the exclusion and to send the hazardous secondary materials to each reclaimer and any intermediate facility. In making these reasonable efforts, the generator may use any credible evidence available, including information gathered by the hazardous secondary material generator, provided by the reclaimer or intermediate facility, and/or provided by a third party. The hazardous secondary material generator must affirmatively answer all of the following questions for each reclamation facility and any intermediate facility:

(*1*) Does the available information indicate that the reclamation process is legitimate pursuant to § 260.43 of this chapter? In answering this question, the

hazardous secondary material generator can rely on their existing knowledge of the physical and chemical properties of the hazardous secondary material, as well as information from other sources (*e.g.,* the reclamation facility, audit reports, etc.) about the reclamation process.

(*2*) Does the publicly available information indicate that the reclamation facility and any intermediate facility that is used by the hazardous secondary material generator notified the appropriate authorities of hazardous secondary materials reclamation activities pursuant to § 260.42 of this chapter and have they notified the appropriate authorities that the financial assurance condition is satisfied per paragraph (a)(24)(vi)(F) of this section? In answering these questions, the hazardous secondary material generator can rely on the available information documenting the reclamation facility's and any intermediate facility's compliance with the notification requirements per § 260.42 of this chapter, including the requirement in § 260.42(a)(5) to notify EPA whether the reclaimer or intermediate facility has financial assurance.

(*3*) Does publicly available information indicate that the reclamation facility or any intermediate facility that is used by the hazardous secondary material generator has not had any formal enforcement actions taken against the facility in the previous three years for violations of the RCRA hazardous waste regulations and has not been classified as a significant non-complier with RCRA Subtitle C? In answering this question, the hazardous secondary material generator can rely on the publicly available information from EPA or the state. If the reclamation facility or any intermediate facility that is used by the hazardous secondary material generator has had a formal enforcement action taken against the facility in the previous three years for violations of the RCRA hazardous waste regulations and has been classified as a significant non-complier with RCRA Subtitle C, does the hazardous secondary material generator have credible evidence that the facilities will manage the hazardous secondary materials properly? In answering this question, the hazardous secondary material generator can obtain additional information from EPA, the state, or the facility itself that the facility has addressed the violations, taken remedial steps to address the violations and prevent future violations, or that the violations are not relevant to the proper management of the hazardous secondary materials.

(*4*) Does the available information indicate that the reclamation facility and any intermediate facility that is used by the hazardous secondary material generator have the equipment and trained personnel to safely recycle the hazardous secondary material? In answering this question, the generator may rely on a description by the reclamation facility or by an independent third party of the equipment and trained personnel to be used to recycle the generator's hazardous secondary material.

(*5*) If residuals are generated from the reclamation of the excluded hazardous secondary materials, does the reclamation facility have the permits required (if any) to manage the residuals? If not, does the reclamation facility have a contract with an appropriately permitted facility to dispose of the residuals? If not, does the hazardous secondary material generator have credible evidence that the residuals will be managed in a manner that is protective of human health and the environment? In answering these questions, the hazardous secondary material generator can rely on publicly available information from EPA or the state, or information provided by the facility itself.

(C) The hazardous secondary material generator must maintain for a minimum of three years documentation and certification that reasonable efforts were made for each reclamation facility and, if applicable, intermediate facility where the management of the hazardous secondary materials is not addressed under a RCRA part B permit or interim status standards prior to transferring hazardous secondary material. Documentation and certification must be made available upon request by a regulatory authority within 72 hours, or within a longer period of time as specified by the regulatory authority. The certification statement must:

(*1*) Include the printed name and official title of an authorized representative of the hazardous secondary material generator company, the authorized representative's signature, and the date signed;

(*2*) Incorporate the following language: ''I hereby certify in good faith and to the best of my knowledge that, prior to arranging for transport of excluded hazardous secondary materials to [insert name(s) of reclamation facility and any intermediate facility], reasonable efforts were made in accordance with § 261.4(a)(24)(v)(B) to ensure that the hazardous secondary materials would be recycled legitimately, and otherwise managed in a manner that is protective of human health and the environment, and that such efforts were based on current and accurate information.''

(D) The hazardous secondary material generator must maintain at the generating facility for no less than three (3) years records of all off-site shipments of hazardous secondary materials. For each shipment, these records must, at a minimum, contain the following information:

(*1*) Name of the transporter and date of the shipment;

(*2*) Name and address of each reclaimer and, if applicable, the name and address of each intermediate facility to which the hazardous secondary material was sent;

(*3*) The type and quantity of hazardous secondary material in the shipment.

(E) The hazardous secondary material generator must maintain at the generating facility for no less than three (3) years confirmations of receipt from each reclaimer and, if applicable, each intermediate facility for all off-site shipments of hazardous secondary materials. Confirmations of receipt must include the name and address of the reclaimer (or intermediate facility), the type and quantity of the hazardous secondary materials received and the date which the hazardous secondary materials were received. This requirement may be satisfied by routine business records (*e.g.,* financial records, bills of lading, copies of DOT shipping papers, or electronic confirmations of receipt);

(F) The hazardous secondary material generator must comply with the emergency preparedness and response conditions in subpart M of this part.

(vi) Reclaimers of hazardous secondary material excluded from regulation under this exclusion and intermediate facilities as defined in § 260.10 of this chapter satisfy all of the following conditions:

(A) The reclaimer and intermediate facility must maintain at its facility for no less than three (3) years records of all shipments of hazardous secondary material that were received at the facility and, if applicable, for all shipments of hazardous secondary materials that were received and subsequently sent off-site from the facility for further reclamation. For each shipment, these records must at a minimum contain the following information:

(*1*) Name of the transporter and date of the shipment;

(*2*) Name and address of the hazardous secondary material generator

and, if applicable, the name and address of the reclaimer or intermediate facility which the hazardous secondary materials were received from;

(*3*) The type and quantity of hazardous secondary material in the shipment; and

(*4*) For hazardous secondary materials that, after being received by the reclaimer or intermediate facility, were subsequently transferred off-site for further reclamation, the name and address of the (subsequent) reclaimer and, if applicable, the name and address of each intermediate facility to which the hazardous secondary material was sent.

(B) The intermediate facility must send the hazardous secondary material to the reclaimer(s) designated by the hazardous secondary materials generator.

(C) The reclaimer and intermediate facility must send to the hazardous secondary material generator confirmations of receipt for all off-site shipments of hazardous secondary materials. Confirmations of receipt must include the name and address of the reclaimer (or intermediate facility), the type and quantity of the hazardous secondary materials received and the date which the hazardous secondary materials were received. This requirement may be satisfied by routine business records (*e.g.,* financial records, bills of lading, copies of DOT shipping papers, or electronic confirmations of receipt).

(D) The reclaimer and intermediate facility must manage the hazardous secondary material in a manner that is at least as protective as that employed for analogous raw material and must be contained. An ''analogous raw material'' is a raw material for which a hazardous secondary material is a substitute and serves the same function and has similar physical and chemical properties as the hazardous secondary material.

(E) Any residuals that are generated from reclamation processes will be managed in a manner that is protective of human health and the environment. If any residuals exhibit a hazardous characteristic according to subpart C of 40 CFR part 261, or if they themselves are specifically listed in subpart D of 40 CFR part 261, such residuals are hazardous wastes and must be managed in accordance with the applicable requirements of 40 CFR parts 260 through 272.

(F) The reclaimer and intermediate facility have financial assurance as required under subpart H of 40 CFR part 261,

(vii) In addition, all persons claiming the exclusion under this paragraph (a)(24) of this section must provide notification as required under § 260.42 of this chapter.

(25) Hazardous secondary material that is exported from the United States and reclaimed at a reclamation facility located in a foreign country is not a solid waste, provided that the hazardous secondary material generator complies with the applicable requirements of paragraph (a)(24)(i)–(v) of this section (excepting paragraph (a)(24)(v)(B)(*2*) of this section for foreign reclaimers and foreign intermediate facilities), and that the hazardous secondary material generator also complies with the following requirements:

(i) Notify EPA of an intended export before the hazardous secondary material is scheduled to leave the United States. A complete notification must be submitted at least sixty (60) days before the initial shipment is intended to be shipped off-site. This notification may cover export activities extending over a twelve (12) month or lesser period. The notification must be in writing, signed by the hazardous secondary material generator, and include the following information:

(A) Name, mailing address, telephone number and EPA ID number (if applicable) of the hazardous secondary material generator;

(B) A description of the hazardous secondary material and the EPA hazardous waste number that would apply if the hazardous secondary material was managed as hazardous waste and the U.S. DOT proper shipping name, hazard class and ID number (UN/NA) for each hazardous secondary material as identified in 49 CFR parts 171 through 177;

(C) The estimated frequency or rate at which the hazardous secondary material is to be exported and the period of time over which the hazardous secondary material is to be exported;

(D) The estimated total quantity of hazardous secondary material;

(E) All points of entry to and departure from each foreign country through which the hazardous secondary material will pass;

(F) A description of the means by which each shipment of the hazardous secondary material will be transported (*e.g.,* mode of transportation vehicle (air, highway, rail, water, etc.), type(s) of container (drums, boxes, tanks, etc.));

(G) A description of the manner in which the hazardous secondary material will be reclaimed in the country of import;

(H) The name and address of the reclaimer, any intermediate facility and any alternate reclaimer and intermediate facilities; and

(I) The name of any countries of transit through which the hazardous secondary material will be sent and a description of the approximate length of time it will remain in such countries and the nature of its handling while there (for purposes of this section, the terms ''EPA Acknowledgement of Consent'', ''country of import'' and ''country of transit'' are used as defined in 40 CFR 262.81 with the exception that the terms in this section refer to hazardous secondary materials, rather than hazardous waste):

(ii) Notifications must be submitted electronically using EPA's Waste Import Export Tracking System (WIETS), or its successor system.

(iii) Except for changes to the telephone number in paragraph (a)(25)(i)(A) of this section and decreases in the quantity of hazardous secondary material indicated pursuant to paragraph (a)(25)(i)(D) of this section, when the conditions specified on the original notification change (including any exceedance of the estimate of the quantity of hazardous secondary material specified in the original notification), the hazardous secondary material generator must provide EPA with a written renotification of the change. The shipment cannot take place until consent of the country of import to the changes (except for changes to paragraph (a)(25)(i)(I) of this section and in the ports of entry to and departure from countries of transit pursuant to paragraphs (a)(25)(i)(E) of this section) has been obtained and the hazardous secondary material generator receives from EPA an EPA Acknowledgment of Consent reflecting the country of import's consent to the changes.

(iv) Upon request by EPA, the hazardous secondary material generator shall furnish to EPA any additional information which a country of import requests in order to respond to a notification.

(v) EPA will provide a complete notification to the country of import and any countries of transit. A notification is complete when EPA receives a notification which EPA determines satisfies the requirements of paragraph (a)(25)(i) of this section. Where a claim of confidentiality is asserted with respect to any notification information required by paragraph (a)(25)(i) of this section, EPA may find the notification not complete until any such claim is resolved in accordance with 40 CFR 260.2.

(vi) The export of hazardous secondary material under this paragraph (a)(25) is prohibited unless the country of import consents to the intended export. When the country of import

consents in writing to the receipt of the hazardous secondary material, EPA will send an EPA Acknowledgment of Consent to the hazardous secondary material generator. Where the country of import objects to receipt of the hazardous secondary material or withdraws a prior consent, EPA will notify the hazardous secondary material generator in writing. EPA will also notify the hazardous secondary material generator of any responses from countries of transit.

(vii) For exports to OECD Member countries, the receiving country may respond to the notification using tacit consent. If no objection has been lodged by any country of import or countries of transit to a notification provided pursuant to paragraph (a)(25)(i) of this section within thirty (30) days after the date of issuance of the acknowledgement of receipt of notification by the competent authority of the country of import, the transboundary movement may commence. In such cases, EPA will send an EPA Acknowledgment of Consent to inform the hazardous secondary material generator that the country of import and any relevant countries of transit have not objected to the shipment, and are thus presumed to have consented tacitly. Tacit consent expires one (1) calendar year after the close of the thirty (30) day period; renotification and renewal of all consents is required for exports after that date.

(viii) A copy of the EPA Acknowledgment of Consent must accompany the shipment. The shipment must conform to the terms of the EPA Acknowledgment of Consent.

(ix) If a shipment cannot be delivered for any reason to the reclaimer, intermediate facility or the alternate reclaimer or alternate intermediate facility, the hazardous secondary material generator must re-notify EPA of a change in the conditions of the original notification to allow shipment to a new reclaimer in accordance with paragraph (iii) of this section and obtain another EPA Acknowledgment of Consent.

(x) Hazardous secondary material generators must keep a copy of each notification of intent to export and each EPA Acknowledgment of Consent for a period of three years following receipt of the EPA Acknowledgment of Consent. They may satisfy this recordkeeping requirement by retaining electronically submitted notifications or electronically generated Acknowledgements in their account on EPA's Waste Import Export Tracking System (WIETS), or its successor system, provided that such copies are readily available for viewing and production if requested by any EPA or authorized state inspector. No hazardous secondary material generator may be held liable for the inability to produce a notification or Acknowledgement for inspection under this section if they can demonstrate that the inability to produce such copies are due exclusively to technical difficulty with EPA's Waste Import Export Tracking System (WIETS), or its successor system for which the hazardous secondary material generator bears no responsibility.

(xi) Hazardous secondary material generators must file with the Administrator no later than March 1 of each year, a report summarizing the types, quantities, frequency and ultimate destination of all hazardous secondary materials exported during the previous calendar year. Annual reports must be submitted electronically using EPA's Waste Import Export Tracking System (WIETS), or its successor system. Such reports must include the following information:

(A) Name, mailing and site address, and EPA ID number (if applicable) of the hazardous secondary material generator;

(B) The calendar year covered by the report;

(C) The name and site address of each reclaimer and intermediate facility;

(D) By reclaimer and intermediate facility, for each hazardous secondary material exported, a description of the hazardous secondary material and the EPA hazardous waste number that would apply if the hazardous secondary material was managed as hazardous waste, the DOT hazard class, the name and U.S. EPA ID number (where applicable) for each transporter used, the total amount of hazardous secondary material shipped and the number of shipments pursuant to each notification;

(E) A certification signed by the hazardous secondary material generator which states: ''I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.''

(xii) All persons claiming an exclusion under this paragraph (a)(25) must provide notification as required by § 260.42 of this chapter.

* * * * *

[FR Doc. 2018–11578 Filed 5–29–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 71

[Docket No. CDC–2016–0068]

RIN 0920–AA63

Control of Communicable Diseases; Technical Correction

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Final rule; correcting amendment.

SUMMARY: The Centers for Disease Control and Prevention (CDC) in the Department of Health and Human Services (HHS) announces a technical correction to the final rule published on July 10, 2017. The July 10, 2017, technical correction provided amendments to a final rule published on January 19, 2017, but contained an error. HHS/CDC is therefore submitting a new correction to correct that error.

DATES: This correcting amendment is effective May 30, 2018.

FOR FURTHER INFORMATION CONTACT: Jennifer Buigut, Division of Global Migration and Quarantine, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–E03, Atlanta, Georgia 30329. Telephone: (404) 498–1600.

SUPPLEMENTARY INFORMATION: On January 19, 2017, HHS/CDC published a final rule (82 FR 6890) that included several non-substantive errors. On July 10, 2017, HHS/CDC published a technical correction (82 FR 31728) to correct errors made in the final rule. However, one new error was inadvertently created by including an instruction to change a word in the title of 42 CFR 71.5 dealing with vessels from ''voyage'' to ''flight.'' HHS/CDC therefore, is publishing this correction notice amendment to fix the publication error that was made in the previous technical correction notice.

Section 553(b)(B) of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an

opportunity for public comment. We have determined that it is unnecessary to provide prior notice and the opportunity for public comment because the technical correction being made, as discussed below, addresses only a minor publication error that does not substantially change agency actions taken in the final rule.

Control of Communicable Diseases; Correction published at 82 FR 31728 (July 10, 2017), included an error in the title of 42 CFR 71.5 dealing with vessels by changing ''voyage'' to ''flight.'' We are now correcting the heading by amending it to read ''§ 71.5 Requirements relating to the transmission of vessel passenger, crew, and voyage information for public health purposes.'' This correction is minor, non-substantive, and therefore treated as if it had been included in the final rule published in the January 19, 2017, **Federal Register**.

Summary of Technical Corrections to 42 CFR 71 Foreign Quarantine

The final rule contains a section relating to the transmission of passenger and crew information for vessels, § 71.5. The technical correction published on July 10, 2017 (82 FR 31728), mistakenly changed the title of this section to, ''Requirements relating to the transmission of vessel passenger, crew and *flight* information for public health purposes.'' We are now correcting the heading for § 71.5 by changing ''flight'' to ''voyage'' because this section describes information pertaining to vessel voyages not aircraft flights.

List of Subjects in 42 CFR 71

Apprehension, CDC, Communicable diseases, Conditional release, Director, Ill person, Isolation, Non-invasive, Public health emergency, Public health prevention measures, Quarantine, Quarantinable Communicable Diseases.

PART 71—FOREIGN QUARANTINE

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

Authority: Secs. 215 and 311 of Public Health Service (PHS) Act, as amended (42 U.S.C. 216, 243); secs. 361–369, PHS Act, as amended (42 U.S.C. 264–272).

■ 2. In § 71.5, revise the section heading to read as follows:

§ 71.5 Requirements relating to the transmission of vessel passenger, crew, and voyage information for public health purposes.

* * * * *

Dated: May 23, 2018.

Ann C. Agnew,

Executive Secretary, Department of Health and Human Services.

[FR Doc. 2018–11539 Filed 5–29–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 650

[Docket No. FTA–2016–0008]

RIN 2132–AB27

Private Investment Project Procedures

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Final rule.

SUMMARY: The Federal Transit Administration (FTA) is issuing a final rule describing new, experimental procedures to encourage increased project management flexibility, more innovation in project funding, improved efficiency, timely project implementation, and new project revenue streams for public transportation capital projects. A primary goal of this final rule is to address impediments to the greater use of public-private partnerships and private investment in public transportation capital projects. FTA anticipates using the lessons learned from these experimental procedures to develop more effective approaches to including private participation and investment in project planning, project development, finance, design, construction, maintenance, and operations.

DATES: The effective date of this final rule is June 29, 2018.

FOR FURTHER INFORMATION CONTACT: For program matters, Tom Yedinak, Private Sector Liaison, Office of Budget and Policy, (202) 366–5137 or *Tom.Yedinak@dot.gov.* For legal matters, Bonnie Graves, Attorney-Advisor, Office of Chief Counsel, (202) 366–4011 or *Bonnie.Graves@dot.gov.*

SUPPLEMENTARY INFORMATION:

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I. Executive Summary

A. Purpose of Regulatory Action

This final rule establishes procedures by which FTA recipients contemplating public transportation capital projects may seek a waiver or modification of a mandatory FTA regulation, policy, procedure, or guidance document in order to address impediments to the use of public-private partnerships (P3s) and private investment in public transportation capital projects. The Private Investment Project Procedures (PIPP) are intended to encourage project sponsors to seek modifications of Federal requirements such that the modification will accelerate the project development process, attract private investment and lead to increased project management flexibility, more innovation, improved efficiency, and/or new revenue streams.

B. Statutory Authority

Section 20013(b)(1) of the Moving Ahead for Progress in the 21st Century Act (MAP–21), Public Law 112–141 (July 6, 2012), requires FTA to identify any provisions of 49 U.S.C. chapter 53, and any regulations or practices thereunder, that impede greater use of P3s and private investment. The law requires FTA to develop and implement, on a project basis, procedures and approaches that address such impediments in a manner similar to the Federal Highway Administration's (FHWA) Special Experimental Project Number 15 process (SEP–15), and protect the public interest and any public investment in public transportation capital projects that involve P3s or private investment. Section 20013(b)(5) of MAP–21 requires FTA to issue a rule to carry out the procedures and approaches developed under Section 20013(b)(1).

In accordance with Section 20013(b)(6) of MAP–21, the PIPP may not be used to waive any requirement under the National Environmental Policy Act (NEPA), 42 U.S.C. 4321, *et seq.;* 49 U.S.C. chapter 53 (including 49 U.S.C. 5333); or any other provision of Federal statute. Thus, the PIPP will allow for innovations in project delivery while maintaining FTA's stewardship responsibilities. FTA expects the lessons learned from projects approved under the PIPP to aid FTA in developing more effective approaches to project planning, project development, finance, design, construction, maintenance, and operations.

C. Summary of Major Provisions

In the notice of proposed rulemaking (82 FR 35500, Jul. 31, 2017), FTA proposed to add a new part 650, ''Private Investment Project Procedures,'' to title 49 of the Code of Federal Regulations (CFR). This final rule adds a new part 650 to title 49 of the CFR. In response to public comments, FTA has made several nonsubstantive, clarifying edits. In addition, FTA has made the following substantive changes:

1. Amended the definition of ''Eligible Project'' to require a project be included in the statewide long-range transportation plan or the metropolitan transportation plan, as those terms are defined in 23 CFR part 450;
2. Amended section 650.11 to permit one application per phase of a project, and to clarify that multiple waivers or modifications may be sought in one application;
3. Amended section 650.21 to require reporting to FTA one year after construction is complete, and for projects that include private investment in operations and maintenance, a report is required two years after the project has entered into revenue operations; and
4. Amended section 650.31 to permit applicants to identify proposed, as well as committed funding for the project, and to provide that FTA will post on its public website information related to waivers the FTA Administrator has granted.

D. Costs and Benefits

This final rule is an Executive Order 13771 deregulatory action, as FTA believes it will reduce the cost of complying with FTA requirements. FTA requested comment on the potential benefits or cost savings associated with this rule but did not receive any relevant information. Therefore, FTA is unable to quantify the benefits or cost savings due to the lack of information about (1) the types of waivers that will be requested, (2) the number of waivers that will be requested, and (3) the difference in cost between complying with FTA's existing requirements and complying with the requirements of a waiver and this final rule.

II. Rulemaking Background

Over the past decade, Federal transportation legislation has evolved to encourage increased use of public-private partnerships and private investment in public transportation capital projects. FTA's notice of proposed rulemaking for this final rule goes into some detail on this history. *See* 82 FR 35500, Jul. 31, 2017, *https://www.gpo.gov/fdsys/pkg/FR-2017-07-31/pdf/2017-15985.pdf.*

More recently, Section 20013(b)(1) of MAP–21 directs FTA to identify impediments in chapter 53 of title 49 of the United States Code, and any regulations or practices thereunder, to the use of public-private partnerships and private investment in public transportation capital projects, and to develop and implement procedures on a project basis that address such impediments in a manner similar to FHWA's SEP–15 process.

In 2004 FHWA initiated SEP–15, pursuant to authority granted to the Secretary by 23 U.S.C. 502(b), to create a procedure to waive certain requirements of title 23 of the United States Code and implementing regulations on a case-by-case basis in order to encourage tests and experimentation in the entire project development process, specifically aimed at attracting private investment, leading to increased project management flexibility, more innovation, improved efficiency, timely project implementation, and new revenue streams. 69 FR 59983 (Oct. 6, 2004). SEP–15 permits FHWA to experiment in four major areas of project delivery—contracting, right-of-way acquisition, project finance, and compliance with NEPA and other environmental requirements. SEP–15 enables FHWA to actively explore changes in the way it approaches the oversight and delivery of highway projects to further the Administration's goals of reducing congestion and preserving transportation infrastructure. A key feature of SEP–15 is that it allows FHWA to identify current FHWA laws, regulations, and practices that inhibit greater use of P3s and private investment in transportation improvements and allows FHWA to develop procedures and approaches that address these impediments.

FTA conducted an online dialogue from October 2014 to January 2015 with public transportation recipients and stakeholders to help inform this rulemaking process. In general, commenters identified the following impediments to private investment in public transportation capital projects: The timing of Federal grant awards can discourage lender interest because it is perceived to be incompatible with the timing of private financing schedules, public agency procurement schedules and U.S. Department of Transportation (DOT) financing programs, such as the Transportation Infrastructure Finance and Innovation Act (TIFIA), Railroad Rehabilitation and Improvement Financing (RRIF) and Private Activity Bonds (PAB); the level of Federal oversight could be more flexible and dependent upon the experience of the project sponsor, terms of agreements, and the existence of concurrent, independent oversight, such as state or regulatory agencies, and type of financing; FTA could rely more heavily upon approvals of third parties with jurisdiction over a project, rather than replicate certain reviews, and commenters questioned whether any necessary FTA reviews could be expedited by having them performed by an independent third party selected by FTA, but paid for by the project sponsor.

Under this final rule, recipients funding a public transportation capital project subject to 49 U.S.C. chapter 53 with FTA, RRIF, TIFIA or other Federal financial assistance could request a modification or waiver, in whole or in part, of one or more specific FTA regulations, practices, procedures or guidance documents (including circular provisions) that is an impediment to the use of P3s or private investment in that project. For example, an applicant could propose that FTA rely upon approvals of third parties with jurisdiction over an eligible project, rather than replicate certain FTA oversight reviews.

III. Summary of NPRM Comments and FTA Responses

FTA received comments from 21 entities, including State DOTs, transit agencies, industry associations, consultants, and individuals, as well as a metropolitan planning organization (MPO), a union, a private operator, a P3 authority, and a development corporation. Most commenters expressed support for the rulemaking, with one commenter suggesting that private investment is not appropriate for public transit projects and should not be encouraged by FTA.

Some comments were outside the scope of the rulemaking. For example, two commenters suggested they would support initiatives related to waivers of FHWA and USDOT rules; this rulemaking pertains only to FTA. Some commenters suggested lists of requirements or processes that could be waived or modified; this rulemaking does not include such lists, as waiver or modification of administrative requirements will be done on a project (case-by-case) basis. One commenter asked if FTA would consider increasing the Federal share of a project's cost where a P3 is involved, and asked if a project would get a higher rating in the U.S. DOT Transportation Investment Generating Economic Recovery (TIGER)

application process if a P3 is involved. The Federal share is statutory and something FTA cannot waive or modify; rating for the TIGER program is outside the scope of this rulemaking. Similarly, commenters' proposed changes to FTA's Capital Investment Grants (CIG) program and requests for preferential treatment for FTA discretionary grant awards that include public and private sector benefits are outside the scope of this rule. Finally, some commenters requested that any public transportation capital project that includes private investment should include a ''value for money'' or cost-benefit analysis. Project sponsors contemplating private participation in project delivery should ensure that the public interest is protected and the return on investment makes sense, but such an analysis is beyond the scope of this rulemaking.

A. General Comments

Comments. Several commenters addressed the scope of the rule, with one commenter acknowledging the limitations of the rulemaking, in that Section 20013(b) of MAP–21 does not permit FTA to waive or modify statutory requirements, and asserting that often statutory requirements can be the most significant barriers to P3 involvement. Another commenter suggested the scope of the rule appeared narrower than SEP–15, and suggested the rule should be broadened to cover any innovative idea, such as improvements to project delivery and incentivizing local investment. One commenter noted that the rule applies only prospectively, and not to existing projects, suggesting that existing projects may benefit from P3s and may require relief from FTA requirements related to grant administration or lease of federally-assisted assets. Another commenter suggested that a P3 should include those situations in which a public entity enters into a contract with a private entity to operate, manage, or maintain all or part of a transit system that receives federal funding.

Response. A key difference between FHWA's SEP–15 and the authority provided to FTA by Section 20013(b) of MAP–21 is that SEP–15 permits waiver of statutory requirements in title 23 of the United States Code, and Section 20013(b) does not permit FTA to waive any provision of federal statute. Thus, FTA is limited to waiver or modification of FTA administrative requirements, including regulations, policies, guidance, etc., and not statutory provisions. However, FTA believes that waiver or modification of administrative requirements may result in increased flexibility, improved project efficiency, and timely implementation of project delivery. While there are limitations, FTA does not believe the rule is otherwise significantly narrower than SEP–15; recipients or project sponsors may propose any innovative idea that they believe will remove an impediment to private investment or participation in public transportation capital projects. The rule does apply prospectively and not to existing capital projects. Further, this rule does not apply to contracts between public entities and private entities solely for the operation, management, or maintenance of a transit system. There is no evidence that there are challenges involving the private sector in state of good repair, general maintenance, or other ongoing capital projects, including the capital cost of contracting for operations. Indeed, many transit agencies contract with private entities for ongoing capital needs, maintenance, and operations. The purpose of this rulemaking is to encourage private entity participation in designing and building new public transportation capital projects, to include, as a component of the whole project, long-term investments in operations and maintenance where desired and appropriate.

Comments. One commenter suggested FTA provide resources to assist recipients in identifying regulations, procedures, policies, etc., that may be waived or modified, to include a list of such provisions, with another commenter suggesting the rule does not appear to provide certainty in the decision-making process. Another commenter suggested that FTA should delay implementation of PIPP until after FTA has published the transparency guidance required by Section 20013(b)(2) of MAP–21.

Response. FTA intends to develop frequently asked questions (FAQs) and other guidance related to the final rule prior to or closely following publication of the final rule, but does not intend to develop a list of provisions that might be waived or modified. It is up to the recipient/project sponsor to identify FTA administrative requirements that are standing in the way of private investment or participation in a particular project. Such impediments are likely to vary from project to project. FTA's Private Sector Liaison is available to provide technical assistance to recipients contemplating a request for a waiver or modification. FTA has not yet developed the guidance required by Section 20013(b)(2) of MAP–21, but does not believe the rulemaking should be delayed. FTA has developed a robust Private Sector Participation web page that includes numerous resources for recipients and private entities. *See https://www.transit.dot.gov/funding/funding-finance-resources/private-sector-participation/private-sector-participation-1.*

B. Section-by-Section Comments

Section 650.5 Definitions

One commenter suggested that projects should be eligible for waiver or modification of administrative requirements only if the project is part of a region's approved long-range transportation plan. This will help to assure the project is a priority for the region. FTA agrees with this comment and has amended the definition of ''eligible project'' to require the project be included in the statewide long-range transportation plan or the metropolitan transportation plan, as those terms are defined in 23 CFR part 450.

Several commenters suggested various amendments to the proposed definition in the NPRM of Public-Private Partnership (P3). FTA proposed that a P3 be defined as, ''a contractual agreement formed between a public agency and a private sector entity that is characterized by private sector investment and risk-sharing in the delivery, financing and operation of a project.'' Commenters generally sought a broader definition that would go beyond the conventional project delivery and financing approaches to include other characteristics or elements, such as when federal funding benefits both the public and private sectors and their respective abilities to enhance economic development, mitigate congestion, enhance safety, and improve capacity. One commenter asserted the definition could be read to be limited to various project delivery contracting mechanisms such as design-build-finance, design-build-operate-maintain, or design-build-finance-operate-maintain. One commenter suggested FTA amend the definition to read ''one or more private sector agencies.'' Two commenters suggested FTA amend the definition to read ''private sector investment and/or risk-sharing.'' Two commenters suggested that an operations-only agreement should be eligible.

FTA did not amend the definition of P3 proposed in the NPRM. The definition provides the framework necessary for the rule; it is not clear how the definition would prohibit characteristics of a P3 that include enhancing economic development, mitigating congestion, etc. The purpose of the rule is to provide a process by which recipients can request a waiver or modification of an administrative requirement that impedes greater use of

public-private partnerships and private investment in public transportation *capital* projects. Thus, design-build is a critical component of a P3 under this rule. As stated above in the ''General Comments'' section, there is no evidence that FTA requirements impede recipients' ability to contract with private entities for state of good repair projects, transit operations, or general maintenance. While the rulemaking is not limited to CIG projects, generally speaking, the rule will apply to new construction of public transportation corridors, systems, lines, etc. Further, while the definition provides for an agreement between ''a public entity and a private sector entity,'' the rule does not prohibit an agreement between a public entity and two or more private entities. Finally, private sector investment inherently involves sharing the risk of the project, so FTA declines to amend the definition of P3 to read ''and/or.''

Section 650.11 Private Investment Project Procedures

Several commenters expressed concern about the proposed provision in the NPRM that only one application per project could be submitted. Commenters asserted that FTA should permit multiple applications through the development of the project, either by phase or when new opportunities are identified. One commenter suggested that if a project has more than one FTA recipient, each of the recipients should be permitted to request a waiver or modification.

In response to comments, FTA has amended this section to provide that one application per phase of a project may be submitted, and that an application may include requests for waiver or modification of more than one FTA requirement. Allowing an application for each phase of a project means a recipient may submit one application during the project development phase, a second application during the engineering phase, and a third application during construction. FTA encourages recipients to include all of their requests for waiver or modification into one application, in order to streamline the waiver request process.

Where more than one recipient is carrying out a project, the rule does not prohibit each recipient from requesting a waiver or modification of FTA administrative requirements. FTA does, however, expect recipients to work together in such situations to ensure recipients are not working at cross-purposes or submitting duplicate requests. Thus, section 650.31(b)(7) requires recipients to obtain the concurrence of other recipients involved in the same project prior to submitting an application for waiver or modification.

One factor considered by the FTA Administrator in section 650.11(b) is ''the amount of private sector participation or risk transfer proposed is sufficient to warrant modification or waiver of FTA requirements.'' One commenter suggested this is a subjective factor and that FTA should provide clarity on the type or level of private participation that is deemed sufficient. In response, we note that this will be a case-by-case determination, likely dependent on project size, scope and cost, and thus not quantifiable in the rule.

Section 650.13 Limitation

The proposed text included language from Section 20013(b) of MAP–21, providing the Administrator may not waive or modify ''any requirement under'' 49 U.S.C. 5333, NEPA, or any other provision of Federal statute. One commenter suggested FTA amend the text to read, ''statutory provision of'' to better distinguish between statutory requirements that cannot be waived and regulatory requirements that can. FTA declines to make this change, as the language in the rule is the same language that is in the statute.

Section 650.21 Lessons Learned Report

FTA proposed in the NPRM that a project receiving a waiver or modification of an FTA requirement would be required to submit a report to FTA not later than one year after completion of the project. The report would evaluate the effectiveness of the waiver or modification on project delivery. One commenter suggested that in the case of a design-build-operate-maintain agreement, it could be decades before the project is ''complete.'' In response to this comment, we have amended the language to provide that a report is due one year after completion of construction, and for projects that include private entity involvement in operations or maintenance, a second report will be required two years after the project begins revenue operations. Other commenters suggested that reporting best practices and lessons learned could be reported as they are learned over the life of the project; FTA believes the reporting requirements of one year after construction and two years into revenue operations is the appropriate balance between getting the information as it is available and not imposing unduly burdensome reporting requirements.

Several commenters suggested FTA make the waiver process as transparent as possible, with determinations on waivers, supporting materials, etc. available online. In response, FTA has added a new provision, section 650.31(e) stating FTA will publish on its public website information related to waivers the FTA Administrator has granted, including the waiver application and any supporting documentation. FTA will redact proprietary information prior to publication.

Section 650.31 Application Process

This section proposed a number of requirements that an application for waiver or modification must meet in order to be considered. Two commenters suggested that the requirement under 650.31(b)(7), that other recipients concur with the application submission where more than one recipient is involved with a project, be deleted. FTA declines to delete this requirement; where two or more recipients are involved in the same project, FTA expects them to work together to submit the application, or at least be aware that one recipient is submitting an application. This will help speed up the process in getting a decision. Several commenters suggested that FTA should accept applications with information available to the recipient at the time the application is submitted; FTA expects complete applications, and will inform any applicant that submits an incomplete application that FTA will not consider an application until it is complete. Several commenters suggested recipients be permitted to resubmit an application with additional information to address a denial or partial approval. FTA declines to accept this suggestion, but will make its Private Sector Liaison available to recipients seeking a waiver or modification for technical assistance purposes, which should help to ensure applications, once submitted, are complete and ready for consideration by the FTA Administrator. One commenter suggested recipients not be required to include duplicative information previously submitted in an earlier application (as in an earlier phase of the project). FTA believes reference to information in an earlier application should be sufficient; we have not amended the regulatory text.

One commenter suggested including additional bases for waivers, such as hardship, unforeseen circumstances, a need for additional time for compliance, etc. FTA declines to include any of

these as bases for waivers. The purpose of the rule is to remove impediments to private sector participation in public transportation capital projects. Thus, the additional bases proposed are not applicable here.

One of the requirements in the proposed rule was that recipients provide, ''a financial plan identifying sources and uses of funds committed to the project.'' Several commenters suggested that funding sources might not be committed at the time of a waiver or modification application, and that in fact such sources might not be available unless FTA granted a waiver or modification. Two commenters suggested FTA amend the provision to state funds should be ''proposed or committed.'' FTA has accepted this suggestion and amended the regulatory text accordingly.

FTA did not propose any timeframes for submission or review of applications. Applications may be submitted at any time when a recipient or project sponsor has the information necessary to submit a complete application. Several commenters suggested timeframes for FTA's response to an application, generally varying from 30 to 60 days. Given that the goal of the application is to remove impediments to private sector investment in capital projects, FTA recognizes that a prompt response to an application is important. FHWA generally provides a response to an applicant for SEP–15 within 60 days, depending on the complexity of the request. FTA believes this is a reasonable timeframe and will strive to respond to complete applications within 60 days. If an application is incomplete, FTA will not wait 60 days to respond, but will notify the applicant as soon as FTA determines the application is not complete. While FTA will strive to respond to applications in a timely manner, we decline to include specific timeframes in the regulatory text.

IV. Regulatory Analyses and Notices

Executive Order 12866 and 13563; USDOT Regulatory Policies and Procedures

Executive Orders 12866 and 13563 direct Federal agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits—including potential economic, environmental, public health and safety effects, distributive impacts, and equity. Also, Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. The final rule will encourage tests and experimentation in the project development process and is specifically aimed at attracting public-private partnerships and private investment. Public-private partnerships of capital projects are rare in the U.S. transit industry, although they are common in other countries. The final rule provides an avenue to address existing impediments to P3 projects with the aim of increasing their use, but it is unlikely, on its own, to significantly increase the level of P3 activity in the U.S. transit industry.

FTA has determined this rulemaking is a non-significant regulatory action within the meaning of Executive Order 12866 and is non-significant within the meaning of the U.S. Department of Transportation's regulatory policies and procedures. FTA has examined the potential economic impacts of this rulemaking and has determined that this rulemaking is not economically significant because it will not result in an effect on the economy of $100 million or more. Today's rule will not adversely affect the economy, interfere with actions taken or planned by other agencies, or generally alter the budgetary impact of any entitlements, grants, user fees, or loan programs.

Executive Order 13771

This final rule is an E.O. 13771 deregulatory action because FTA believes it will reduce the cost of complying with FTA requirements. However, FTA is unable to quantify the cost savings due to the lack of information about (1) the types of waivers that will be requested, (2) the number of waivers that will be requested, and (3) the difference in cost between complying with FTA's existing requirements and complying with the requirements of a waiver and this final rule.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96–354; 5 U.S.C. 601–612), FTA has evaluated the likely effects of the final rule on small entities, and has determined that the rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

This rulemaking does not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4; 109 Stat. 48).

Executive Order 13132 (Federalism)

This rulemaking has been analyzed in accordance with the principles and criteria established by Executive Order 13132 (Aug. 4, 1999). FTA has determined that the rule does not have sufficient Federalism implications to warrant the preparation of a Federalism assessment. FTA has also determined that this rule does not preempt any State law or State regulation or affect the States' abilities to discharge traditional State governmental functions. Moreover, consistent with Executive Order 13132, FTA has examined the direct compliance costs of the final rule on State and local governments and has determined that the collection and analysis of the data are eligible for Federal funding under FTA's grant programs.

Executive Order 12372 (Intergovernmental Review)

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

Paperwork Reduction Act (PRA)

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*), Federal agencies must obtain approval from the Office of Management and Budget for each collection of information they conduct, sponsor, or require through regulations. FHWA has received an average of less than one application per year for its SEP–15 program since its inception. Therefore, FTA believes that this rule will not generate collection of information requirements that impact ten or more applicants. FTA sought comment on whether FTA should anticipate ten or more applications to the PIPP on an annual basis, but did not receive any comments on this issue.

National Environmental Policy Act

NEPA requires Federal agencies to analyze the potential environmental effects of their actions in the form of a categorical exclusion, environmental assessment, or environmental impact statement. This final rule is categorically excluded under FTA's environmental impact procedure at 23 CFR 771.118(c)(4), pertaining to planning and administrative activities that do not involve or lead directly to construction, such as the promulgation of rules, regulations, and directives. FTA has determined that no unusual circumstances exist in this instance, and that a categorical exclusion is appropriate for this rulemaking.

Executive Order 12630 (Taking of Private Property)

This rulemaking will not affect a taking of private property or otherwise have taking implications under Executive Order 12630 (March 15, 1998), Governmental Actions and Interference with Constitutionally Protected Property Rights.

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations)

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, and DOT Order 5610.2(a) (77 FR 27534) require DOT agencies to achieve environmental justice (EJ) as part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects, including interrelated social and economic effects, of their programs, policies and activities on minority and/or low-income populations. The DOT Order requires DOT agencies to address compliance with the Executive Order and the DOT Order in all rulemaking activities. In addition, on July 17, 2014, FTA issued a circular to update its EJ Policy Guidance for Federal Transit Recipients (*www.fta.dot.gov/legislation_law/12349_14740.html*), which addresses administration of the Executive Order and DOT Order.

FTA has evaluated this rule under the Executive Order, the DOT Order, and the FTA Circular and has determined that this rulemaking will not cause disproportionately high and adverse human health and environmental effects on minority or low income populations.

Executive Order 12988 (Civil Justice Reform)

This action meets the applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988 (February 5, 1996), Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Executive Order 13045 (Protection of Children)

FTA has analyzed this final rule under Executive Order 13045 (April 21, 1997), Protection of Children from Environmental Health Risks and Safety Risks. FTA certifies that this rule will not cause an environmental risk to health or safety that may disproportionately affect children.

Executive Order 13175 (Tribal Consultation)

FTA has analyzed this action under Executive Order 13175 (November 6, 2000), and believes that it will not have substantial direct effects on one or more Indian tribes; will not impose substantial direct compliance costs on Indian tribal governments; and will not preempt tribal laws. Therefore, a tribal summary impact statement is not required.

Executive Order 13211 (Energy Effects)

FTA has analyzed this rulemaking under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). FTA has determined that this action is not a significant energy action under the Executive Order, given that the action is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not requirement.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of FTA's dockets by the name of the individual submitting the comment or signing the comment if submitted on behalf of an association, business, labor union, or any other entity. Interested persons may review U.S. DOT's complete Privacy Act Statement published in the **Federal Register** on April 11, 2000, at 65 FR 19477–8.

Statutory/Legal Authority for This Rulemaking

This rulemaking is issued under the authority of Section 20013(b)(1) of MAP–21, which requires the Secretary to issue rules to carry out procedures and approaches for alleviating impediments to P3s or private investment in public transportation.

Regulation Identifier Number

A Regulation Identifier Number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN set forth in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects in 49 CFR Part 650

Grant programs—transportation, Mass transportation.

■ For the reasons set forth in the preamble, and under the authority of Section 20013(b)(1) of The Moving Ahead for Progress in the 21st Century Act (Pub. L. 112–141) and the delegations of authority at 49 CFR 1.91, FTA hereby amends Chapter VI of Title 49, Code of Federal Regulations by adding Part 650 to read as follows:

PART 650—PRIVATE INVESTMENT PROJECT PROCEDURES

Sec.

Subpart A—General Provisions

650.1 Purpose.
650.3 Applicability.
650.5 Definitions.

Subpart B—Private Investment Project Procedures

650.11 Private investment project procedures.
650.13 Limitation.

Subpart C—Reporting

650.21 Lessons learned report.

Subpart D—Applications

650.31 Application process.

Authority: Sec. 20013(b)(5), Pub. L. 112–141, 126 Stat 405; 49 CFR 1.91.

Subpart A—General Provisions

§ 650.1 Purpose.

This part establishes private investment project procedures that seek to identify and address Federal Transit Administration requirements that are impediments to the greater use of public-private partnerships and private investment in public transportation capital projects, while protecting the public interest and any public investment in such projects.

§ 650.3 Applicability.

This part applies to any recipient subject to 49 U.S.C. chapter 53 that funds a public transportation capital project with Federal financial assistance under 49 U.S.C. chapter 53, the Transportation Infrastructure Finance and Innovation Act (TIFIA) (23 U.S.C. 181–189, 601–609), the Railroad Rehabilitation and Improvement Financing (RRIF) program (45 U.S.C. 821–823), or with any other Federal financial assistance.

§ 650.5 Definitions.

All terms defined in 49 U.S.C. chapter 53 are applicable to this part. The following definitions also apply to this part:

Administrator means the Administrator of the Federal Transit Administration.

Application means the formal documentation of an applicant's request to modify FTA requirements for an eligible project.

Eligible project means any surface transportation capital project that is subject to 49 U.S.C. chapter 53, included in the statewide long-range transportation plan or the metropolitan transportation plan, as those terms are defined in 23 CFR part 450, and that will be implemented as a public-private partnership, a joint development, or with other private sector investment.

FTA means the Federal Transit Administration.

FTA requirements means, for purposes of this part, existing FTA regulations and mandatory provisions of practices, procedures or guidance documents, including circulars.

Joint development has the meaning ascribed to it in FTA Circular 7050.1 ''Federal Transit Administration Guidance on Joint Development'' and, for purposes of this part, includes private sector contributions, whether in the form of cash investment, capital construction contributed at the private sector's cost or other contribution determined by the Administrator to qualify.

Other private sector investment means a financial or capital contribution to an eligible project from a private sector investor that is not provided through a public-private partnership or joint development.

Private investment project procedures means the procedures by which applicants may propose, and the Administrator may agree, subject to the requirements of this part, to modify or waive existing FTA requirements for an eligible project.

Private sector investor means the private sector entity that proposes to contribute funding to an eligible project.

Public-private partnership (P3) means a contractual agreement formed between a public agency and a private sector entity that is characterized by private sector investment and risk-sharing in the delivery, financing and operation of a project.

Recipient means an entity that proposes to receive Federal financial assistance for an eligible project under 49 U.S.C. chapter 53, RRIF, TIFIA or other Federal financial assistance program.

Subpart B—Private Investment Project Procedures

§ 650.11 Private investment project procedures.

(a) A recipient may, subject to the requirements of this part, submit applications to modify or waive existing FTA requirements for an eligible project. For projects with multiple recipients, recipients may, but are not required to, submit an application for a project jointly; however, only one application per phase of a project may be submitted. Applications may contain requests for modification or waiver of more than one FTA requirement. All applications shall comply with the requirements of § 650.31.

(b) Subject to § 650.13, the Administrator may modify or waive FTA requirements if the Administrator determines the recipient has demonstrated that—

(1) The FTA requirement proposed for modification discourages the use of a public-private partnership, a joint development, or other private sector investment in a federally assisted public transportation capital project,

(2) The proposed modification or waiver of the FTA requirements is likely to have the effect of encouraging a public-private partnership, a joint development, or other private sector investment in a Federally-assisted public transportation capital project,

(3) The amount of private sector participation or risk transfer proposed is sufficient to warrant modification or waiver of FTA requirements, and

(4) Modification or waiver of the FTA requirements can be accomplished while protecting the public interest and any public investment in the proposed federally assisted public transportation capital project.

§ 650.13 Limitation.

(a) Nothing in this part may be construed to allow the Administrator to modify or waive any requirement under—

(1) 49 U.S.C. 5333;

(2) The National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq.*); or

(3) Any other provision of Federal statute.

(b) The Administrator's approval of an application under this part does not commit Federal-aid funding for the project.

Subpart C—Reporting

§ 650.21 Lessons learned report.

For a project for which the Administrator has modified or waived any FTA requirement pursuant to this part, not later than one year after completion of construction, and not later than two years after a project that includes private entity involvement in operations or maintenance activities has entered revenue operations, the recipient shall submit to FTA a report that evaluates the effects of the modification or waiver of Federal requirements on the delivery of the project. The report shall describe the modification or waiver applied to the project; evaluate the success or failure of the modification or waiver; evaluate the extent to which the modification or waiver addressed impediments to greater use of public-private partnerships and private investment in public transportation capital projects; and may include any recommended statutory, regulatory or other changes with an explanation of how the changes would encourage greater use of public-private partnerships and private investment in public transportation capital projects.

Subpart D—Applications

§ 650.31 Application process.

(a) Applications must be submitted to the FTA Private Sector Liaison at FTA Headquarters and provide a copy to the FTA Regional Administrator for the region in which the project is located. Addresses for FTA Headquarters and Regions are available at *www.transit.dot.gov.*

(b) To be considered, an application submitted under this part must—

(1) Describe the proposed project with respect to anticipated scope, cost, schedule, and anticipated source and amount of Federal financial assistance,

(2) Identify whether the project is to be delivered as a public-private partnership, as a joint development or with other private sector investment,

(3) Describe in detail the role of the private sector investor, if any, in delivering the project,

(4) Identify the specific FTA requirement(s) that the recipient requests to have modified or waived and a proposal as to how the requirement(s) should be modified,

(5) Provide a justification for the modification(s) or waiver(s), including an explanation of how the FTA requirement(s) presents an impediment to a public-private partnership, joint development, or other private sector investment,

(6) Explain how the public interest and public investment in the project will be protected and how FTA can ensure the appropriate level of public oversight and control, as determined by the Administrator, is undertaken if the modification(s) or waiver(s) is allowed,

(7) Provide other recipients' concurrence with submission of the application and waiver of the right to submit a separate application for the same project, where a project has more than one recipient at the time of application,

(8) Provide a financial plan identifying sources and uses of funds

proposed or committed to the project, and

(9) Explain the expected benefits that the modification or waiver of FTA requirements would provide to address impediments to the greater use of public-private partnerships and private investment in the project.

(c) The Administrator shall notify the recipient in writing if the application fails to meet the requirements of paragraph (b) of this section. If the recipient does not supplement an incomplete application within thirty days of the date of the Administrator's notification, the application will be considered withdrawn without prejudice. The Administrator will not consider an application until the application is complete. The Administrator reserves the right to request additional information beyond the requirements in paragraph (b) upon determining that more information is needed to evaluate an application.

(d) For applications that have been deemed complete, the Administrator will notify the recipient in writing as to whether the request for modification or waiver is approved or denied. Any approval may be given in whole or in part and may be conditioned or contingent upon the recipient satisfying the conditions identified in the approval.

(e) FTA will publish on its public website information related to waivers the FTA Administrator has granted. This may include a copy of the waiver application and any supporting documents, with proprietary information redacted.

Under authority delegated in 49 CFR 1.91.

K. Jane Williams,

Acting Administrator.

[FR Doc. 2018–11385 Filed 5–29–18; 8:45 am]

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Proposed Rules

Federal Register

Vol. 83, No. 104

Wednesday, May 30, 2018

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

DEPARTMENT OF ENERGY

10 CFR Part 431

[EERE–2017–BT–TP–0053]

Energy Conservation Program: Test Procedure for Metal Halide Lamp Fixtures

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Request for information (RFI).

SUMMARY: The U.S. Department of Energy (DOE) is initiating a data collection process through this request for information to consider whether to amend DOE's test procedure for metal halide lamp fixtures (MHLFs). To inform interested parties and to facilitate this process, DOE has gathered data and identified several issues associated with the currently applicable test procedure on which DOE is interested in receiving comment. The issues outlined in this document mainly concern updates to industry standards and potential clarifications to the existing test procedure for MHLFs. DOE welcomes written comments from the public on any subject within the scope of this document, including topics not directly outlined in this RFI. DOE also welcomes comments on any additional topics that may inform DOE's decisions in a potential future test procedure rulemaking, such as methods to reduce regulatory burden while ensuring the procedure's accuracy.

DATES: Written comments and information are requested and will be accepted on or before June 29, 2018.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2017–BT–TP–0053, by any of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
2. *Email:* to *MHLF2017TP0053@ee.doe.gov.* Include docket number EERE–2017–BT–TP–0053 in the subject line of the message.
3. *Postal Mail:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1445. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.
4. *Hand Delivery/Courier:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW, Suite 600, Washington, DC 20024. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted. For detailed instructions on submitting comments and additional information on this process, see section 0 of this document.

Docket: The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *http://www.regulations.gov.* All documents in the docket are listed in the *http://www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at *http://www.regulations.gov.* The docket web page will contain simple instructions on how to access all documents, including public comments, in the docket. See section 0 for information on how to submit comments through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Lucy deButts, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1604. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

Ms. Jennifer Tiedeman, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–6111. Email: *Jennifer.Tiedeman@Hq.Doe.Gov.*

For further information on how to submit a comment or review other public comments and the docket, contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: *ApplianceStandardsQuestions@ee.doe.gov.*

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I. Introduction

MHLFs are included in the list of ''covered products'' for which DOE is authorized to establish and amend energy conservation standards and test procedures. (42 U.S.C. 6292(a)(19)) DOE's test procedures for MHLFs are prescribed at 10 CFR 431.324. The following sections discuss DOE's authority to establish and amend test procedures for MHLFs, as well as relevant background information regarding DOE's consideration of test procedures for MHLFs.

A. Authority and Background

The Energy Policy and Conservation Act of 1975 (''EPCA'' or ''the Act''),[1] Public Law 94–163 (42 U.S.C. 6291–6317, as codified), among other things, authorizes DOE to regulate the energy efficiency of a number of consumer products and industrial equipment. Title III, Part B [2] of EPCA established the Energy Conservation Program for Consumer Products Other Than Automobiles, which sets forth a variety

[1] All references to EPCA in this document refer to the statute as amended through the Energy Efficiency Improvement Act of 2015 (EEIA 2015), Public Law 114–11 (April 30, 2015).

[2] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

of provisions designed to improve energy efficiency. These products include MHLFs, the subject of this RFI.[3] (42 U.S.C. 6292(a)(19))

Under EPCA, DOE's energy conservation program consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of the Act include definitions (42 U.S.C. 6291), energy conservation standards (42 U.S.C. 6295), test procedures (42 U.S.C. 6293), labeling provisions (42 U.S.C. 6294), and the authority to require information and reports from manufacturers (42 U.S.C. 6296).

Federal energy efficiency requirements for covered products established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6297) DOE may, however, grant waivers of Federal preemption for particular State laws or regulations, in accordance with the procedures and other provisions of EPCA. (42 U.S.C. 6297(d))

The Federal testing requirements consist of test procedures that manufacturers of covered products must use as the basis for: (1) Certifying to DOE that their products comply with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6295(s)), and (2) making representations about the efficiency of those consumer products (42 U.S.C. 6293(c)). Similarly, DOE must use these test procedures to determine whether the products comply with relevant standards promulgated under EPCA. (42 U.S.C. 6295(s))

Under 42 U.S.C. 6293, EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered products. EPCA requires that any test procedures prescribed or amended under this section be reasonably designed to produce test results which measure energy efficiency, energy use or estimated annual operating cost of a covered product during a representative average use cycle or period of use and not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3))

In addition, if DOE determines that a test procedure amendment is warranted, it must publish proposed test procedures and offer the public an opportunity to present oral and written comments on them. (42 U.S.C. 6293(b)(2))

EPCA also requires that, at least once every 7 years, DOE evaluate test procedures for each type of covered product, including MHLFs, to determine whether amended test procedures would more accurately or fully comply with the requirements for the test procedures to not be unduly burdensome to conduct and be reasonably designed to produce test results that reflect energy efficiency, energy use, and estimated operating costs during a representative average use cycle or period of use. (42 U.S.C. 6293(b)(1)(A)) If the Secretary determines, on his own behalf or in response to a petition by any interested person, that a test procedure should be prescribed or amended, the Secretary shall promptly publish in the **Federal Register** proposed test procedures and afford interested persons an opportunity to present oral and written data, views, and arguments with respect to such procedures. The comment period on a proposed rule to amend a test procedure shall be at least 60 days and may not exceed 270 days. In prescribing or amending a test procedure, the Secretary shall take into account such information as the Secretary determines relevant to such procedure, including technological developments relating to energy use or energy efficiency of the type (or class) of covered products involved. (42 U.S.C. 6293(b)(2)) If DOE determines that test procedure revisions are not appropriate, DOE must publish its determination not to amend the test procedures. DOE is publishing this RFI to collect data and information to inform its decision in satisfaction of the 7-year review requirement specified in EPCA. (42 U.S.C. 6293(b)(1)(A))

B. Rulemaking History

In addition to the test procedure review provision discussed above, EPCA requires DOE to establish test procedures for metal halide lamp ballasts based on the industry standard ANSI C82.6–2005 ''Ballasts for High-Intensity Discharge Lamps—Method of Measurement.'' (42 U.S.C. 6293(b)(18)) EPCA also requires that energy conservation standards and test procedures address standby mode and off mode energy use. (42 U.S.C. 6295(gg)) On March 9, 2010, DOE published a final rule establishing active mode and standby mode test procedures for MHLFs based on measuring ballast efficiency in accordance with ANSI C82.6–2005 (2010 MHLF TP final rule). 75 FR 10950. DOE determined that per EPCA's definition of ''off mode,'' it is not possible for MHLFs to meet off mode criteria because there is no condition in which the components of an MHLF are connected to the main power source and are not already in a mode accounted for in either active or standby mode. 75 FR 10954–10955 (March 9, 2010).

In a 2014 MHLF energy conservation standards final rule, DOE amended the test procedure to specify the input voltage at which a ballast is to be tested, and to require measuring and calculating ballast efficiency to three significant figures. 79 FR 7746, 7757–7759 (February 10, 2014). DOE's current test procedure for MHLFs for active mode and standby mode operation appears at 10 CFR 431.324 (''Uniform test method for the measurement of energy efficiency and standby mode energy consumption of metal halide lamp ballasts''). Although MHLFs are the equipment at issue in this RFI, the test procedure requires measurement of metal halide ballast efficiency.

II. Request for Information

In the following sections, DOE has identified a variety of issues on which it seeks input to aid in the development of the technical and economic analyses regarding whether an amended test procedure for MHLFs may be warranted. Specifically, DOE is requesting comment on any opportunities to streamline and simplify testing requirements for MHLFs.

Additionally, DOE welcomes comments on other issues relevant to the conduct of this process that may not specifically be identified in this document. In particular, DOE notes that under Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' Executive Branch agencies such as DOE are directed to manage the costs associated with the imposition of expenditures required to comply with Federal regulations. *See* 82 FR 9339 (February 3, 2017). Pursuant to that Executive Order, DOE encourages the public to provide input on measures DOE could take to lower the cost of its regulations applicable to testing MHLFs consistent with the requirements of EPCA.

A. Scope & Definitions

As stated previously, although MHLFs are the covered product, the Federal test procedure requires measurement of

[3] Because of the inclusion of MHLFs in the list of covered products under 42 U.S.C. 6292, the rulemaking for MHLFs is bound by the requirements of Part A of Title III of EPCA. However, because MHLFs are generally considered commercial equipment, as a matter of administrative convenience and to minimize confusion among interested parties, DOE adopted MHLF provisions into subpart S of 10 CFR part 431. 74 FR 12058, 12062 (March 23, 2009). Therefore, DOE will refer to MHLFs as ''equipment'' throughout this document. Where the notice refers to specific provisions in Part A of EPCA, the term ''product'' is used. The location of provisions within the CFR does not affect either their substance or applicable procedure.

metal halide ballast efficiency. EPCA and DOE define a MHLF as a light fixture for general lighting application designed to be operated with a metal halide lamp and a ballast for a metal halide lamp. (42 U.S.C. 6291(64) and 10 CFR 431.322). Metal halide ballast is defined as a ballast used to start and operate metal halide lamps. (42 U.S.C. 6291(62) and 10 CFR 431.322). DOE defines metal halide lamp as a high intensity discharge (HID) lamp in which the major portion of the light is produced by radiation of metal halides and their products of dissociation, possibly in combination with metallic vapors. (42 U.S.C. 6291(63) and 10 CFR 431.322).

B. Test Procedure

The current test procedure for MHLFs appears at 10 CFR 431.324. As noted previously, the test procedure for MHLFs incorporates by reference the 2005 version of ANSI C82.6 (ANSI C82.6–2005). ANSI C82.6 outlines procedures for measuring the performance of low-frequency ballasts, including metal halide ballasts, designed to operate HID lamps. Testing requires the use of a reference lamp, which is to be operated by the ballast under test conditions until the ballast reaches operational stability. Ballast efficiency is then calculated as the measured ballast output power divided by the ballast input power.

Issue A.1 DOE requests information on the availability of reference lamps.

1. Updates to Industry Standards

In 2015, ANSI published a revised version of C82.6, ''Ballasts for High-Intensity Discharge Lamps—Methods of Measurement,'' (ANSI C82.6–2015).[4] DOE's initial review indicates that revisions mainly pertain to the addition of testing specifications particular to low-frequency electronic ballasts, including modifications to the alternative stabilization method, the addition of low-frequency square wave reference ballast characteristics, and further detail pertaining to ballast measurements.

Issue A.2 DOE requests comment on the potential impact of incorporating by reference the updated industry standard ANSI C82.6–2015 in the Federal test procedure. Specifically, DOE requests information on any potential differences in testing under the 2015 version, as compared to the 2005 version currently incorporated by reference.

DOE also has found that the industry standard referenced in its definition of ''ballast efficiency'' has been updated. Per DOE regulations, ''ballast efficiency,'' or the efficiency of a lamp and ballast combination, is the measured operating lamp wattage (*i.e.,* output power) divided by the measured operating input wattage (*i.e.,* input power), expressed as a percentage. 10 CFR 431.322. The input and output power of the ballast must be measured while the ballast is operating a reference lamp. The 2004 version of ANSI C78.43 (ANSI C78.43–2004) is incorporated by reference in DOE's regulations to describe the requirements for various fixture components used when measuring ballast efficiency.[5] *See* 10 CFR 431.323. Specifically, the definition of ''ballast efficiency'' states that the lamp and capacitor (when provided) must constitute a nominal system in accordance with ANSI C78.43–2004. However, ANSI C78.43–2004 does not define the term ''nominal system.'' ANSI C78.43–2004 does contain the physical and electrical requirements that single-ended metal halide lamps operated on 60 hertz (Hz) ballasts must meet to qualify as reference lamps. ANSI C78.43 was updated in 2013 (ANSI C78.43–2013) to incorporate datasheets for additional lamp types, which, if adopted, would provide characteristics to increase the number of potential reference lamps for testing.[6]

Issue A.3 DOE requests comment on the potential impact of incorporating by reference the updated industry standard ANSI C78.43–2013 in the definition of ''ballast efficiency.'' DOE also requests comment on whether the term ''nominal system'' in the definition of ''ballast efficiency'' requires further clarification.

2. Other Updates to the Federal Test Procedure

a. MHLFs Containing Ballasts That May Operate More Than One Lamp Wattage

Based on a recent survey of the market, DOE identified metal halide lamp fixtures that contain ballasts that may be able to operate lamps of more than one wattage (*e.g.,* a ballast that can operate a 70W lamp or a 100W lamp). The definition of basic model for MHLFs states that basic models are rated to operate a given lamp type and wattage. 10 CFR 431.322. Thus, the current regulations indicate that such a model falls within multiple basic models. DOE is interested in information regarding how this equipment should be tested.

Issue A.4 DOE requests information on the prevalence of metal halide ballasts capable of operating more than one lamp wattage and how this equipment should be tested.

b. Dimming Ballasts

DOE established an active mode test method in the 2010 MHLF TP final rule, which incorporated relevant sections of ANSI C82.6–2005 to measure ballast efficiency as required by EPCA. (42 U.S.C. 6293(b)(18)); 75 FR 10950 (March 9, 2010). DOE also clarified in the 2010 MHLF TP final rule that active mode applies to a functioning ballast operating with any amount of system light output (*i.e.,* greater than zero percent), and noted that if a ballast is dimmed (*i.e.,* operating the light source at more than zero percent, but less than 100 percent), the lamp and the ballast are both still in active mode. 75 FR 10953 (March 9, 2010). DOE notes that in the case of dimming ballasts, where input power can vary, a specification regarding how to test these ballasts is necessary. Thus, DOE is interested in information on whether it is common industry practice to test dimming metal halide ballasts at 100 percent light output.

Issue A.5 DOE requests comment on whether it is common industry practice to test metal halide dimming ballasts at 100 percent light output.

c. Standby Mode Test Method

As required by EPCA, the 2010 MHLF TP final rule established a test method for measuring standby mode power. (42 U.S.C. 6295(gg)(2)(A)); 75 FR 10959–10961 (March 9, 2010). DOE developed the standby mode test method for metal halide ballasts to be consistent with the industry standard International Electrotechnical Commission (IEC) 62301: 2005, ''Household electrical appliances—Measurement of standby power'' (first edition, June 2005), but also referenced language and methodologies presented in ANSI C82.6–2005. 75 FR 10951 (March 9, 2010). As such, the 2010 MHLF TP final rule adopted test procedure provisions for measuring standby power that include the following steps: (1) A signal is sent to the ballast instructing it to reduce light output to zero percent; (2) the main input power to the ballast is measured; and (3) the power from the control signal path is measured in one of three ways, depending on how the signal from the control system is delivered to the ballast. 75 FR 10959–10960 (March 9, 2010). DOE is considering the implications of

[4] Approved February 20, 2015.

[5] American National Standards Institute. *American National Standard for electric lamps—Single-Ended Metal Halide Lamps.* Approved May 5, 2004.

[6] American National Standards Institute. *American National Standard for electric lamps—Single-Ended Metal Halide Lamps.* Approved April 3, 2013.

incorporating by reference the most recent version of industry standard IEC 62301 (IEC 62301: 2011) ''Household electrical appliances—Measurement of standby power'' (second edition, January 2011) in an amended test method for measuring standby power.[7] DOE notes that this change, if it were made, would be consistent with the requirements of EPCA (42 U.S.C. 6295(gg)(2)(A)), as well as the standby mode test method for other lighting products.

Issue A.6 DOE requests comment on the potential impact of incorporating by reference IEC 62301: 2011 in its standby mode test method for MHLFs.

Issue A.7 DOE requests comment on the availability of MHLFs that can operate in standby mode and, if they exist, their power consumption in standby mode.

d. High-Frequency Electronic Ballasts

As discussed in section II.B.1, the current test procedure incorporates by reference ANSI C82.6–2005 for testing both electronic and magnetic metal halide ballasts. However, neither ANSI C82.6–2005 nor the revised 2015 version provide a method specifically for testing high-frequency electronic (HFE) ballasts. A HFE metal halide ballast is defined by DOE as an electronic ballast that operates a lamp at an output frequency of 1000 Hz or greater. 10 CFR 431.322. In the 2013 MHLF energy conservation standards notice of proposed rulemaking, DOE considered adopting procedures for testing HFE ballasts based on the instrumentation used for testing electronic fluorescent lamp ballasts. 78 FR 51464, 51480–51481 (August 20, 2013). However, in the 2014 MHLF ECS final rule, DOE declined to amend the test procedure to include a procedure for HFE ballasts due to the lack of industry specifications for reference lamps to be paired with the ballasts during testing and the lack of a complete test method specific to HFE ballasts. 79 FR 7758 (February 10, 2014).

Subsequently, an ANSI standard for HFE metal halide ballasts titled ANSI C82.17–2017, ''High Frequency (HF) Electronic Ballasts for Metal Halide Lamps,'' (ANSI C82.17–2017) was recently published on August 11, 2017.[8] ANSI C82.17–2017 provides specifications for and operating characteristics of HFE metal halide ballasts with sinusoidal lamp operating current frequencies above 40 kilohertz (kHz). ANSI C82.17–2017 also states in section 5.1 that ''all measurements necessary to determine compliance with the ballast performance requirements of this standard shall be made in accordance with ANSI C82.6.'' Thus, based on DOE's initial review of the newly published standard, DOE believes that ANSI C82.17–2017 could be used for ballast operating conditions for HFE ballasts and that ANSI C82.6–2015 could be used as the guide for measurement of HFE ballasts.

Issue A.8 DOE requests comment on the potential impact of incorporating by reference ANSI C82.17–2017 in the Federal test procedure. Specifically, DOE requests comment on whether newly published ANSI C82.17–2017 provides a repeatable and reproducible method when paired with ANSI C82.6–2015 for the testing of all HFE metal halide ballasts as defined by DOE.

Issue A.9 DOE requests comment on whether manufacturers and laboratories test HFE metal halide ballasts using the same instrumentation as electronic fluorescent lamp ballasts.

C. Other Test Procedure Topics

In addition to the issues identified earlier in this document, DOE welcomes comment on any other aspect of the existing test procedure for MHLFs not already addressed by the specific areas identified in this document. DOE particularly seeks information that would assist DOE in assuring that the test procedure accurately reflects the energy use of the products during a representative average use cycle, and information that would improve the repeatability and reproducibility of the test procedure. DOE also requests information that would help DOE create a procedure that would limit manufacturer test burden through streamlining or simplifying testing requirements. Comments regarding the repeatability and reproducibility are also welcome.

DOE also requests feedback on any potential amendments to the existing test procedure that could be considered to address impacts on manufacturers, including small businesses. DOE also seeks comment on the degree to which the Federal test procedure should consider and be harmonized with the most recent relevant industry standards for MHLFs, and whether there are any changes to the Federal test procedure that would provide additional benefits to the public.

DOE also requests comment on the benefits and burdens of adopting any industry/voluntary consensus-based or other appropriate test procedure, without modification. One topic for consideration, for example, is the specification of input voltage and stabilization criteria for ballasts of high intensity discharge lamps beyond what is required by ANSI C82.6. Another topic for consideration is the clarification of testing direction pertaining to the types of metal halide lamps to pair with metal halide ballasts under test, or control devices to be used, during standby mode testing beyond the requirements of IEC 62301: 2011. DOE requests comment on whether the addition of these types of requirements are worth the additional burden on manufacturers.

Additionally, DOE requests comment on whether the existing test procedure limits a manufacturer's ability to provide additional MHLF features to customers. DOE particularly seeks information on how the test procedure could be amended to reduce the cost of new or additional features, and make it more likely that such features are included in MHLFs.

III. Submission of Comments

DOE invites all interested parties to submit in writing, by the date listed in the **DATES** section of this notice, comments and information on matters addressed in this notice and on other matters relevant to DOE's consideration of an amended test procedure for MHLFs. These comments and information will aid in the development of a test procedure NOPR for MHLFs if DOE determines that an amended test procedure may be appropriate for this equipment.

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

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

[7] Published January 27, 2011.

[8] Approved May 18, 2017.

comments, and any documents submitted with the comments.

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

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

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

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

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

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

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

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

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

DOE considers public participation to be a very important part of the process for developing test procedures and energy conservation standards. DOE actively encourages the participation and interaction of the public during the comment period in each stage of this process. Interactions with and between members of the public provide a balanced discussion of the issues and assist DOE in the process. Anyone who wishes to be added to the DOE mailing list to receive future notices and information about this process should contact Appliance and Equipment Standards Program staff at (202) 287–1445 or via email at *ApplianceStandardsQuestions@ee.doe.gov.*

Issued in Washington, DC, on May 17, 2018.

Kathleen B. Hogan,

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

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SMALL BUSINESS ADMINISTRATION

13 CFR Parts 124 and 126

RIN 3245–AG38; 3245–AG94

Tribal Consultation for Small Business HUBZone Program and Government Contracting Programs and Consolidation of Mentor Protégé Programs and Other Government Contracting Amendments

AGENCY: U.S. Small Business Administration.

ACTION: Notification of tribal consultation meetings.

SUMMARY: The U.S. Small Business Administration (SBA) announces that it is holding tribal consultation meetings in Albuquerque, New Mexico and Oklahoma City, Oklahoma concerning the regulations governing the 8(a) Business Development (BD) program and the HUBZone program. SBA seeks to reduce unnecessary or excessive regulatory burdens in those programs and to make them more attractive to procuring agencies and small businesses. Testimony presented at these tribal consultations will become part of the administrative record for SBA's consideration when the Agency deliberates on approaches to changes in the regulations pertaining to these programs.

DATES: The Tribal Consultation meeting dates are as follows:

1. Thursday, June 7, 2018, 10:00 a.m. to 2:30 p.m. (MDT), Albuquerque, New Mexico. The pre-registration deadline date for this Tribal Consultation meeting is May 31, 2018.

2. Friday, June 8, 2018, 10:00 a.m. to 2:00 p.m. (CDT), Oklahoma City, Oklahoma. The pre-registration deadline date for this Tribal Consultation meeting is June 1, 2018.

ADDRESSES:

1. The Tribal Consultation meeting in Albuquerque will be held at the New Mexico Indian Pueblo Cultural Center, 2401 12th Street NW, Albuquerque, NM 87104. The Tribal Consultation meeting in Oklahoma City will be held at the Tinker Business & Industrial Park, 2601 Liberty Parkway, Oklahoma City, OK 73110.

2. Send pre-registration requests to attend and/or testify to Chequita Carter of SBA's Office of Native American Affairs, U.S. Small Business Administration, 409 3rd Street SW, Washington, DC 20416; *Chequita.Carter@sba.gov;* or Facsimile to (202) 481–2177.
3. You may submit comments, identified by RIN 3245–AG38, for Small Business HUBZone Program and Government Contracting Programs and RIN 3245–AG94, for Consolidation of Mentor Protégé Programs and Other Government Contracting Amendments, by any of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov* and follow the instructions for submitting comments.

• *Mail (for paper, disk, or CD–ROM submissions):* to Kenneth Dodds, Director, Office of Procurement Policy and Liaison, U.S. Small Business Administration, 409 3rd Street SW, Washington, DC 20416; or *Kenneth.Dodds@sba.gov;* or Facsimile to (202) 481–2950, 409 Third Street SW, Washington, DC 20416.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. All comments received will be posted on *http://www.regulations.gov*. If you wish to submit confidential business information (CBI) as defined in the User Notice at *http://www.regulations.gov,* please submit the comments to Kenneth Dodds and highlight the information that you consider to be CBI and explain why you believe this information should be held confidential. SBA will make a final determination as to whether the comments will be published or not.

FOR FURTHER INFORMATION CONTACT: Chequita Carter, Program Assistant for SBA's Office of Native American Affairs, at *Chequita.Carter@sba.gov* or (202) 205–6680 or by facsimile to (202) 481–2177.

SUPPLEMENTARY INFORMATION:

I. Background

SBA is contemplating making substantive changes to the regulations governing both the 8(a) BD (13 CFR part 124) and HUBZone (13 CFR part 126) programs, and requests comments and input on how best to reduce unnecessary or excessive regulatory burdens in those programs. Particularly, SBA is interested in comments related to two planned rulemakings: (1) Small Business HUBZone Program and Government Contracting Programs (RIN 3245–AG38); and (2) Consolidation of Mentor Protégé Programs and Other Government Contracting Amendments (RIN 3245–AG94). The first-mentioned planned rulemaking would constitute a comprehensive revision of part 126 of SBA's regulations to clarify current HUBZone program regulations, and implement various new procedures. The latter planned rulemaking contemplates consolidating the All Small Mentor Protégé Program and the 8(a) Mentor Protégé Program into one program and possibly eliminating SBA's role in approving joint venture agreements for 8(a) competitive contracts. In addition, it would revise SBA's process for approving management changes in entity-owned 8(a) firms. It is SBA's intent to implement changes that will make it easier for small business concerns to understand and comply with the programs' requirements. SBA is also seeking to make these programs more effective and improve the delivery of them to the small business community. SBA understands that some of its regulations have significantly adversely affected small business concerns owned and controlled by tribes and Alaska Native Corporations (ANCs), including 8(a) change of ownership requirements and the process for changing an 8(a) firm's primary NAICS code, and seeks tribal participation to ease these burdens. Lastly, SBA notes that the HUBZone program is often not being fully utilized by procuring agencies, and seeks input on what changes could be made to make the HUBZone program more attractive to both procuring agencies and small businesses.

In addition to the above, the Agency is seeking comments on two recommended regulatory amendments that were proposed during a May 9, 2018, tribal consultation meeting, in Anchorage, Alaska. One such amendment would require prospective 8(a) BD program applicants to complete a preparatory tutorial designed to help such concerns determine whether they are ready to fully benefit from the program's business development assistance. SBA requests input as to whether an 8(a) preparatory tutorial would be helpful to the small business community, and whether any such tutorial should be optional or mandatory for firms seeking to obtain 8(a) certification. The other amendment would allow mentors participating in SBA's mentor protégé programs to have more than three protégés at one time. SBA is concerned that allowing a large business mentor to have additional protégé firms at one time could permit them to unduly benefit from small business contracts, through joint ventures with their protégé firms, which they would otherwise not be eligible for. Nevertheless, SBA is seeking comments on whether lifting the current regulatory limit would benefit small businesses and further the programs' purpose.

II. Tribal Consultation Meetings

The purpose of these tribal consultation meetings is to conform to the requirements of Executive Order 13175, Tribal Consultations; to provide interested parties with an opportunity to discuss their views on the issues; and for SBA to obtain the views of SBA's stakeholders on approaches to the 8(a) BD program and HUBZone program regulations. SBA considers tribal consultation meetings a valuable component of its deliberations and believes that these tribal consultation meetings will allow for constructive dialogue with the Tribal community, Tribal Leaders, Tribal Elders, elected members of Alaska Native Villages or their appointed representatives, and principals of tribally-owned and ANC-owned firms participating in the 8(a) BD and HUBZone programs.

The format of these tribal consultation meetings will consist of a panel of SBA representatives who will preside over the session. The oral and written testimony as well as any comments SBA receives will become part of the administrative record for SBA's consideration. Written testimony may be submitted in lieu of oral testimony. SBA will analyze the testimony, both oral and written, along with any written comments received. SBA officials may ask questions of a presenter to clarify or further explain the testimony. The purpose of these tribal consultations is to assist SBA with gathering information to guide SBA's review process and to potentially develop new proposals. SBA requests that the comments focus on SBA's two planned rulemakings relating to the 8(a) BD and HUBZone programs, the two proposed regulatory revisions SBA received at the tribal consultation in Anchorage, Alaska, general issues as they pertain to the 8(a) BD and HUBZone regulations, input related to what changes could be made to make these programs more attractive to procuring agencies and small businesses, or the unique concerns of the Tribal communities. SBA requests that commenters do not raise issues pertaining to other SBA small business programs. Presenters are encouraged to provide a written copy of their testimony. SBA will accept written material that the presenter wishes to provide that further supplements his or

her testimony. Electronic or digitized copies are encouraged.

Each tribal consultation meeting will be held for one day. The meeting in Albuquerque, NM will begin at 10:00 a.m. and end at 2:30 p.m. (MDT) and the meeting in Oklahoma City, OK will begin at 10:00 a.m. and end at 2:00 p.m. (CDT). SBA will adjourn early if all those scheduled have delivered their testimony.

III. Registration

SBA respectfully requests that any elected or appointed representative of the tribal communities or principal of a tribally-owned or ANC-owned 8(a) firm that is interested in attending please pre-register in advance and indicate whether you would like to testify at the hearing. Registration requests for the tribal consultation meetings in Albuquerque and Oklahoma City should be received by SBA by May 31, 2018 and June 1, 2018, respectively. Please contact Chequita Carter of SBA's Office of Native American Affairs in writing at *Chequita.Carter@sba.gov* or by facsimile to (202) 481–2177. If you are interested in testifying please include the following information relating to the person testifying: Name, Organization affiliation, Address, Telephone number, Email address and Fax number. SBA will attempt to accommodate all interested parties that wish to present testimony. Based on the number of registrants it may be necessary to impose time limits to ensure that everyone who wishes to testify has the opportunity to do so. SBA will confirm in writing the registration of presenters and attendees.

IV. Information on Service for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the tribal consultation meeting, contact Chequita Carter at the telephone number or email address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Authority: 15 U.S.C. 634 and E.O. 13175, 65 FR 67249.

Allen Gutierrez,

Associate Administrator for the Office of Entrepreneurial Development.

[FR Doc. 2018–11495 Filed 5–29–18; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0451; Product Identifier 2017–NM–172–AD]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Dassault Aviation Model FALCON 900EX airplanes. This proposed AD was prompted by reports of rejected take-offs due to untimely inboard flap retraction. This proposed AD would require modification of the slat/flap control wiring and replacement of the slat/flap control box with an improved box. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 16, 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 Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; internet *http://www.dassaultfalcon.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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–2018–0451; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

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–2018–0451; Product Identifier 2017–NM–172–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 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 NPRM.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2017–0219, dated November 14, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Dassault Aviation Model FALCON 900EX airplanes. The MCAI states:

> An occurrence was reported where, during the take-off run, a red CAS [crew alerting system] message ''NO TAKE OFF'' was displayed, and an aural warning was given. The flight crew elected to abort the take-off. The configuration of the affected aeroplane was SF1 and indicated airspeed (IAS) was at 100 kts. Investigations showed that the outboard slat extended microswitch, located at track #7, was not correctly adjusted. A design review revealed that this deficiency may affect only Falcon 900LX (commercial designation) without modification M5636, during take-off in SF1 configuration.
>
> This condition, if not corrected, could lead to an uncommanded retraction of inboard slats and flaps during take-off, possibly resulting in reduced control of the aeroplane.

To address this potential unsafe condition, DA [Dassault Aviation] designed modification M6043 and published Service Bulletin (SB) F900EX–522 to provide instructions for embodiment of this modification in-service.

For the reasons described above, this [EASA] AD requires a wiring modification and replacement of the slat/flap control box with an improved box.

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–2018–0451.

Related Service Information Under 1 CFR Part 51

Dassault Aviation has issued Dassault Aviation Service Bulletin F900EX–522, also referred to as 522, dated March 8, 2017. This service information describes procedures for modifying the slat/flap control wiring and replacing the slat/flap control box. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD affects 13 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
Modification and replacement	22 work-hours × $85 per hour = $1,870	$8,495	$10,365	$134,745

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

Authority for This Rulemaking

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

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

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

Dassault Aviation: Docket No. FAA–2018–0451; Product Identifier 2017–NM–172–AD.

(a) Comments Due Date

We must receive comments by July 16, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Dassault Aviation Model FALCON 900EX airplanes, certificated in any category, serial number 240 and serial numbers 242 through 273 inclusive.

(d) Subject

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

(e) Reason

This AD was prompted by reports of rejected take-offs due to untimely inboard flap retraction. We are issuing this AD to prevent an uncommanded retraction of the inboard slats and flaps during take-off, and consequent reduced controllability of the airplane.

(f) Compliance

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

(g) Modification and Replacement

Within 500 flight hours after the effective date of this AD, modify the slat/flap control wiring and replace the slat/flap control box having part number (P/N) 6–7061 with an improved control box, in accordance with the Accomplishment Instructions of Dassault Aviation Service Bulletin F900EX–522, also referred to as 522, dated March 8, 2017.

(h) Parts Installation Prohibition

After modification of an airplane as required by paragraph (g) of this AD, no person may install any slat/flap control box having P/N 6–7061 on that airplane.

(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 Dassault Aviation's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2017–0219, dated November 14, 2017, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0451.

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

(3) For service information identified in this AD, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; internet *http://www.dassaultfalcon.com.* 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 May 15, 2018.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–11422 Filed 5–29–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0489; Product Identifier 2018–NM–001–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all The Boeing Company Model 747–8 and 747–8F series airplanes. This proposed AD was prompted by a report that flightcrew oxygen masks did not deploy correctly during flight testing. This proposed AD would require an inspection to determine if certain oxygen masks/regulators and stowage boxes are installed and replacement if necessary. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 16, 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 Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0489.

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–2018–0489; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Susan L. Monroe, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th Street, Des Moines, WA 98198; phone and fax: 206–231–3570; email: *susan.l.monroe@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–2018–0489; Product Identifier 2018–NM–001–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 proposed AD.

Discussion

We have received a report indicating that during flight tests, flightcrew oxygen masks/regulators did not deploy correctly. Users could not put the flightcrew oxygen masks/regulators on quickly because the harness tubing became caught in the mask or goggles. This condition, if not addressed, could result in a delay for the flightcrew to put

on the masks, which may lead to hypoxia and the loss of useful consciousness, potentially resulting in loss of control of the airplane.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Special Attention Service Bulletin 747–35–2133, Revision 1, dated November 1, 2017. This service information describes procedures for replacing certain oxygen masks/regulators and stowage boxes. 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

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 in other products of the same type design.

Proposed AD Requirements

This proposed AD would require an inspection to determine if certain oxygen masks/regulators and stowage boxes are installed and, if certain oxygen masks/regulators and stowage boxes are installed, accomplishment of the actions identified as ''RC'' (required for compliance) in the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747–35–2133, Revision 1, dated November 1, 2017, described previously, except as discussed under ''Differences Between this Proposed AD and the Service Information,'' and except for any differences identified as exceptions in the regulatory text of this proposed AD.

For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0489.

Differences Between This Proposed AD and the Service Information

Where Boeing Special Attention Service Bulletin 747–35–2133, Revision 1, dated November 1, 2017, refers to or specifies installing a new (or changed) part, for this proposed AD, we have determined a new or serviceable (or changed) part is acceptable.

In addition, the effectivity of Boeing Special Attention Service Bulletin 747–35–2133, Revision 1, dated November 1, 2017, is limited. However, this proposed AD applies to all Model 747–8 and 747–8F series airplanes. Because the affected parts are rotable parts, we have determined that these parts could later be installed on airplanes that were initially delivered with acceptable parts, thereby subjecting those airplanes to the unsafe condition. This difference has been coordinated with Boeing.

Costs of Compliance

We estimate that this proposed AD affects 18 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	1 work-hour × $85 per hour = $85	$0	$85	$1,530.
Replacement	Up to 6 work-hours × $85 per hour = $510	68,256	Up to $68,766	Up to $1,237,788.

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 adding the following new airworthiness directive (AD):

The Boeing Company: Docket No. FAA–2018–0489; Product Identifier 2018–NM–001–AD.

(a) Comments Due Date

We must receive comments by July 16, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 747–8 and 747–8F series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 35, Oxygen.

(e) Unsafe Condition

This AD was prompted by a report that flightcrew oxygen masks did not function as designed during flight testing. We are issuing this AD to address flightcrew oxygen masks/regulators that do not deploy correctly, which could result in a delay for the flightcrew to put on the masks, which may lead to hypoxia and loss of useful consciousness, potentially resulting in loss of control of the airplane.

(f) Compliance

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

(g) Required Actions

For airplanes with an original certificate of airworthiness, or an original export certificate of airworthiness, issued on or before the effective date of this AD: Within 72 months after the effective date of this AD, inspect for oxygen mask/regulator part number (P/N) MLD20–626–1 and stowage box P/N MXP806–1. If any oxygen mask/regulator P/N MLD20–626–1 or stowage box P/N MXP806–1 is found, within 72 months after the effective date of this AD, do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747–35–2133, Revision 1, dated November 1, 2017, except as provided by paragraph (h) of this AD. A review of airplane maintenance records is acceptable in lieu of the part number inspection if the part numbers of the oxygen mask/regulator and stowage box can be conclusively determined from that review.

(h) Exceptions to Service Information Specifications

Where Boeing Special Attention Service Bulletin 747–35–2133, Revision 1, dated November 1, 2017, refers to or specifies installing a new (or changed) part, for this AD, a new or serviceable (or changed) part is acceptable.

(i) Parts Installation Limitation

(1) For airplanes with an original certificate of airworthiness, or an original export certificate of airworthiness, issued on or before the effective date of this AD: As of the effective date of this AD, no person may install an oxygen mask/regulator P/N MLD20–626–1 on any airplane, except that prior to 72 months after the effective date of this AD, installation of P/N MLD20–626–1 is acceptable for unscheduled maintenance as a replacement only for another P/N MLD20–626–1 and only into a stowage box P/N MXP806–1. If an oxygen mask/regulator having a part number other than P/N MLD20–626–1 is installed, it may not be replaced with P/N MLD20–626–1. For the purposes of this AD, unscheduled maintenance is defined as maintenance that was not planned for or scheduled in advance, such as changing a defective or unserviceable oxygen mask at dispatch.

(2) For airplanes with an original certificate of airworthiness or an original export certificate of airworthiness issued after the effective date of this AD: As of the effective date of this AD, no person may install oxygen mask/regulator P/N MLD20–626–1, on any airplane.

(3) For all airplanes: As of the effective date of this AD, no person may install oxygen mask/regulator P/N MLD20–726–1, in combination with any stowage box part number that is not P/N MXP806–7, on any airplane.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (k)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov*.

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO Branch, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) Except as required by paragraph (h) of this AD: For service information that contains steps that are labeled as RC, the provisions of paragraphs (j)(4)(i) and (j)(4)(ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled ''RC Exempt,'' then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

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

(k) Related Information

(1) For more information about this AD, contact Susan L. Monroe, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th Street, Des Moines, WA 98198; phone and fax: 206–231–3570; email: *susan.l.monroe@faa.gov*.

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.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.

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

James Cashdollar,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–11426 Filed 5–29–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0455; Product Identifier 2017–NM–121–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 98–18–24, which applies to certain Airbus Model A320 series airplanes. AD 98–18–24 requires repetitive inspections to detect cracking in the inner flange of a certain door frame, and corrective actions, if necessary. AD 98–18–24 also provides an optional terminating action for the repetitive inspections. Since we issued AD 98–18–24, it has been determined that the compliance times for the repetitive inspections must be reduced. This proposed AD would continue to require the repetitive inspections of the inner flange of a certain door frame, with reduced repetitive inspection intervals, and corrective action if necessary. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 16, 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, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 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–2018–0455; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA; 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223.

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–2018–0455; Product Identifier 2017–NM–121–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 98–18–24, Amendment 39–10740 (63 FR 49272, September 15, 1998) (''AD 98–18–24''), for certain A320 series airplanes. AD 98–18–24 was prompted by the results of a fatigue test on simulated flights which revealed cracks on the inner flange of door frame 66 at stringers 18 and 20. The cracks were located in the gusset plate attachment holes and were hidden by the gusset plates. AD 98–18–24 requires repetitive inspections to detect cracking in the inner flange of door frame 66, and corrective actions if necessary. AD 98–18–24 also provides an optional terminating action for the repetitive inspections. We issued AD 98–18–24 to detect and correct fatigue cracking in the inner flange of door frame 66, which could result in reduced structural integrity of the airplane.

Since we issued AD 98–18–24, based on the results from a full scale fatigue test, it has been determined that the repetitive inspection intervals must be reduced.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2017–0128, dated July 24, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A320–211 and A320–231 airplanes. The MCAI states:

> During fatigue test on simulated flights, cracks developed on the inner flange of door frame 66 at stringer 18 and 20 positions. These cracks were located in the gusset plate attachment holes and were hidden by the plates.
>
> This condition, if not detected and corrected, could affect the structural integrity of the fuselage.
>
> To address this potential unsafe condition, Airbus issued Service Bulletin (SB) A320–53–1071, later revised, to provide instructions to inspect and repair the gusset plate attachment holes at frame 66, at stringers 18, 20 and 22 both left hand (LH) and right hand (RH) side of the fuselage (hereafter collectively referred to as ''the attachment holes'' in this [EASA] AD), and [Airbus] SB A320–53–1072, providing instructions for reworking of the attachment holes.
>
> Consequently, DGAC France issued [French] AD 1996–234–087, later revised [which corresponds to FAA AD 98–18–24], requiring repetitive inspections and, depending on findings, repair of the attachment holes, and including reference to a reworking procedure, which constitutes optional terminating action for the repetitive inspections of the attachment holes.
>
> Since that [French] AD was issued, based on results from a full scale fatigue test, it was determined that the inspection intervals must be reduced. Airbus issued SB A320–53–1071 Revision 03, modifying the inspection threshold and intervals, and not changing the inspection instructions.
>
> For the reason described above, this [EASA] AD retains the requirement of DGAC France AD 1996–234–087 R1, which is superseded, and requires reduction of the repetitive inspection interval.

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–2018–0455.

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A320–53–1071, Revision 03, dated July 20, 2017. This service information describes procedures for detailed inspections of the gusset plate attachment holes at door frame 66 for cracking and corrective action.

Airbus also issued Service Bulletin A320–53–1072, Revision 02, dated May 5, 2016. This service information describes procedures for modification of the gusset frame attachment at door frame 66.

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

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD affects 3 airplanes of U.S. registry.

The actions required by AD 98–18–24, and retained in this proposed AD take about 8 work-hours per product, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the actions that are required by AD 98–18–24 is $680 per product.

We estimate that it would take about 19 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $4,845, or $1,615 per product.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this proposed AD.

In addition, we estimate that the optional terminating action would take about 20 work-hours per product, at an average labor rate of $85 per work-hour. Required parts costs would be about $60. Based on these figures, the estimated cost of the optional terminating action would be $1,760 per product.

We also estimate that it would take about 1 work-hour per product to comply with the proposed 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 $255, or $85 per product.

Paperwork Reduction Act

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

Authority for This Rulemaking

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

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

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes 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) 98–18–24 Amendment 39–10740 (63 FR 49272, September 15, 1998), and adding the following new AD:

Airbus: Docket No. FAA–2018–0455; Product Identifier 2017–NM–121–AD.

(a) Comments Due Date

We must receive comments by July 16, 2018.

(b) Affected ADs

This AD replaces AD 98–18–24 Amendment 39–10740 (63 FR 49272, September 15, 1998) (''AD 98–18–24'').

(c) Applicability

This AD applies to Airbus Model A320–211 and Model A320–231 airplanes, certificated in any category, serial numbers 0029, 0045, 0046, 0049 through 0057 inclusive, 0059, 0064, and 0065.

(d) Subject

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

(e) Reason

This AD was prompted by a report of cracks on the inner flange of door frame 66 at stringer 18 and 20 positions and by the results of a full scale fatigue test that indicated the intervals for the repetitive inspections required by AD 98–18–24 must be reduced. We are issuing this AD to detect and correct fatigue cracking in the inner flange of door frame 66, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Retained Eddy Current Inspection, With No Changes

This paragraph restates the requirements of paragraph (a) of AD 98–18–24, with no changes. For Model A320 series airplanes on which Airbus Modification 21778 (reference Airbus Service Bulletin A320–53–1072, dated November 7, 1995, as revised by Change Notice 0A, dated July 5, 1996) has not been accomplished: Prior to the accumulation of 20,000 total flight cycles, or within 1 year after October 20, 1998 (the effective date of AD 98–18–24), whichever occurs later: Perform a rotating probe eddy current inspection to detect cracking around the edges of the gusset plate attachment holes of the inner flange of door frame 66, left and right, at stringer positions P18, P20, and P22, in accordance with Airbus Service Bulletin A320–53–1071, dated November 7, 1995, as revised by Change Notice 0A, dated July 5,

1996. If any crack is detected, prior to further flight, repair in accordance with a method approved by the Manager, International Section, Transport Standards Branch, FAA. Repeat the inspection thereafter at intervals not to exceed 20,000 flight cycles.

(h) Retained Optional Terminating Action, With No Changes

This paragraph restates the optional terminating action of paragraph (b) of AD 98–18–24, with no changes. Modification of the gusset plate attachment holes of the inner flange of door frame 66, left and right (Airbus Modification 21778), in accordance with Airbus Service Bulletin A320–53–1072, dated November 7, 1995, as revised by Change Notice 0A, dated July 5, 1996, constitutes terminating action for the repetitive inspection requirements of paragraph (g) of this AD.

(i) New Requirement of This AD: Repetitive Inspections

At the applicable compliance time specified in figure 1 to paragraph (i) of this AD, do a rotating probe eddy current inspection to detect cracking around the edges of the gusset plate attachment holes of the inner flange of door frame 66, left and right, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1071, Revision 03, dated July 20, 2017. Repeat the inspection thereafter at intervals not to exceed 10,900 flight cycles.

Figure 1 to paragraph (i) of this AD – *Initial Compliance Times*

Airplane Condition (Number of rotating probe eddy current inspections completed prior to the effective date of this AD using Airbus Service Bulletin A320-53-1071.)	Initial Compliance Time
None	Before exceeding 39,000 flight cycles since the airplane's first flight.
One rotating probe eddy current inspection completed	Before exceeding 39,000 flight cycles since the airplane's first flight, or within 1,500 flight cycles after the effective date of this AD, whichever occurs later, but before exceeding 20,000 flight cycles since completion of the first rotating probe eddy current inspection
Two rotating probe eddy current inspections completed	Within 10,900 flight cycles since completion of the most recent rotating probe eddy current inspection, or before exceeding 49,900 flight cycles, whichever occurs first; or within 30 days after the effective date of this AD; whichever occurs later.

(j) Corrective Actions

(1) If, during any inspection required by paragraph (i) of this AD, any crack is found on a gusset plate attachment hole: Before further flight, repair the affected attachment hole, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1071, Revision 03, dated July 20, 2017, except as required by paragraph (n) of this AD.

(2) If, during any inspection required by paragraph (i) of this AD, any crack is found on any other hole of the gusset plate: Before further flight, contact the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA); for approved repair instructions and accomplish those instructions accordingly. If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Terminating Action for This AD

(1) Repair of an attachment hole area as required by paragraph (j)(1) of this AD terminates the repetitive inspections required by paragraph (i) of this AD for that attachment hole area on that airplane only.

(2) Repair of any other hole of the gusset plate, as required by paragraph (j)(2) of this AD, does not terminate the repetitive inspections required by paragraph (i) of this AD for that airplane, unless specified otherwise in the repair instructions provided by the Manager, International Section, Transport Standards Branch, FAA; or the EASA; or Airbus's EASA DOA.

(3) Accomplishing the initial inspection required by paragraph (i) of this AD terminates the inspections required by paragraph (g) of this AD.

(l) Optional Modification

Modification of the gusset plate attachment holes of the inner flange of door frame 66, left and right, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1072, Revision 02, dated May 5, 2016, terminates the repetitive inspections required by paragraph (i) of this AD for that airplane.

(m) Reporting

Report the results of the inspection required by paragraph (i) of this AD that are done on or after the effective date of this AD to Airbus Service Bulletin Reporting Online Application on Airbus World (*https://w3.airbus.com/*), or submit the results to Airbus in accordance with the instructions of

Airbus Service Bulletin A320–53–1071, Revision 03, dated July 20, 2017. Submit the report within 30 days after accomplishing the inspection required by paragraph (i) of this AD. The report must include the inspection results, a description of any discrepancies found, the airplane serial number, and the number of landings and flight hours on the airplane. If operators have reported findings as part of obtaining any corrective actions approved by the EASA DOA, operators are not required to report those findings as specified in this paragraph.

(n) Service Information Exception

Where Airbus Service Bulletin A320–53–1071, Revision 03, dated July 20, 2017, specifies to contact Airbus for appropriate action, and specifies that action as ''RC'' (Required for Compliance): Before further flight, accomplish corrective actions in accordance with the procedures specified in paragraph (q)(2) of this AD.

(o) Credit for Previous Actions

(1) This paragraph provides credit for actions required by paragraph (i) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A320–53–1071, Revision 01, dated July 4, 2002; or Airbus Service Bulletin A320–53–1071, Revision 02, dated May 5, 2016.

(2) This paragraph provides credit for actions identified in paragraph (l) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A320–53–1072, dated November 7, 1995, as revised by Change Notice 0A, dated July 5, 1996; or Airbus Service Bulletin A320–53–1072, Revision 01, dated July 4, 2002.

(p) Paperwork Reduction Act Burden Statement

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

(q) 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 (r)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov*.

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

(ii) AMOCs approved previously for AD 98–18–24 are approved as AMOCs for the corresponding provisions of this AD.

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

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

(r) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2017–0128, dated July 24, 2017, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0455.

(2) For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA; 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223.

(3) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 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 May 21, 2018.

James Cashdollar,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–11421 Filed 5–29–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0453; Product Identifier 2018–NM–028–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Bombardier, Inc., Model DHC–8–400 series airplanes. This proposed AD was prompted by reports of the nose landing gear (NLG) locking in a partially extended position due to loose bushings on the lock link of the NLG locking mechanism. This proposed AD would require inspecting the bushings and the lower lock link of the NLG for discrepancies, and corrective actions if necessary. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 16, 2018.

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

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

For service information identified in this NPRM, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone: 416–375–4000; fax: 416–375–4539; email: *thd.qseries@aero.bombardier.com;* internet: *http://www.bombardier.com*. You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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–2018–0453; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Cesar Gomez, Aerospace Engineer, Airframe and Mechanical Systems Section, New York ACO Branch, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7318; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0453; Product Identifier 2018–NM–028–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 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 NPRM.

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF–2018–01, dated January 24, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model DHC–8–400 series airplanes. The MCAI states:

> A landing incident took place whereby the aeroplane's nose landing gear (NLG) was locked in a partially-extended position, leading to gear collapse upon NLG touch down. The investigation revealed that the NLG was locked in this position due to the bushings on the lock link of the NLG locking mechanism becoming loose. This condition was present due to insufficient interference fit which resulted in some bushing outer diameter wear and fretting. A dislodged bushing will also cause the bushing sealant to break. Broken sealant allows moisture ingress and corrosion that can accelerate free play buildup. Excessive free play at the lock link can result in the inability to fully retract or deploy the NLG, resulting in a risk of NLG collapse on landing.
>
> Bombardier Inc. has developed an inspection to identify and correct this condition. This [Canadian] AD requires a repetitive inspection and corrective actions based on the inspection findings.

Discrepancies include any signs of migration of the bushings, broken or missing edge sealant, diagonal paint cracks on the sealant, and paint stripe misalignment. 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–2018–0453.

Related Service Information Under 1 CFR Part 51

Bombardier has issued Service Bulletin 84–32–153, dated September 22, 2017. The service information describes procedures for a visual inspection of the bushings and the lower lock link of the NLG for discrepancies. The service bulletin also describes procedures for repair or replacement of the lock link if any discrepancy is found. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD affects 82 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
Inspection	2 work-hours × $85 per hour = $170 per inspection cycle.	$0	$170 per inspection cycle.	$13,940 per inspection cycle.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this proposed AD.

Authority for This Rulemaking

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

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

This 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 adding the following new airworthiness directive (AD):

Bombardier, Inc.: Docket No. FAA–2018–0453; Product Identifier 2018–NM–028–AD.

(a) Comments Due Date

We must receive comments by July 16, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model DHC–8–400, –401, and –402 airplanes, certificated in any category, serial numbers 4001 and subsequent.

(d) Subject

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

(e) Reason

This AD was prompted by reports of the nose landing gear (NLG) locking in a partially extended position due to loose bushings on the lock link of the NLG locking mechanism. We are issuing this AD to detect and correct excessive free play at the lock link of the NLG locking mechanism, and consequent inability to fully retract or deploy the NLG, which could result in collapse of the NLG and affect the safe landing of the airplane.

(f) Compliance

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

(g) Repetitive Inspections and Corrective Actions

Do a general visual inspection of the bushings and the lower lock link of the NLG locking mechanism for discrepancies, at the applicable time specified in paragraph (g)(1) or (g)(2) of this AD, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–32–153, dated September 22, 2017. If any discrepancy is found, before further flight, repair or replace the lower lock link, as applicable. Repeat the inspection thereafter at intervals not to exceed 1,600 flight cycles.

(1) For airplanes on which all NLG lower lock links have accumulated 7,200 or fewer total flight cycles as of the effective date of this AD: Before the accumulation of 8,000 total flight cycles.

(2) For airplanes on which any NLG lower lock link has accumulated more than 7,200 total flight cycles as of the effective date of this AD: Within 800 flight cycles after the effective date of this AD.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(i) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2018–01, dated January 24, 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–2018–0453.

(2) For more information about this AD, Cesar Gomez, Aerospace Engineer, Airframe and Mechanical Systems Section, New York ACO Branch, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7318; fax 516–794–5531.

(3) For service information identified in this AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone: 416–375–4000; fax: 416–375–4539; email: *thd.qseries@aero.bombardier.com*; internet: *http://www.bombardier.com*. You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–11430 Filed 5–29–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–479]

Schedules of Controlled Substances: Temporary Placement of NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA Into Schedule I

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Proposed amendment; notice of intent.

SUMMARY: The Acting Administrator of the Drug Enforcement Administration is issuing this notice of intent to publish a temporary order to schedule the synthetic cannabinoids, Naphthalen-1-yl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate (trivial name: NM2201; CBL2201); *N*-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide (trivial name: 5F-AB-PINACA); 1-(4-cyanobutyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide (trivial name: 4-CN-CUMYL-BUTINACA; 4-cyano-CUMYL-BUTINACA; 4-CN-CUMYL BINACA; CUMYL-4CN-BINACA; SGT-78); methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3-methylbutanoate (trivial names: MMB-CHMICA, AMB-CHMICA); and 1-(5-fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-pyrrolo[2,3-b]pyridine-3-carboxamide (trivial name: 5F-CUMYL-P7AICA), in schedule I. This action is based on a finding by the Acting Administrator that the placement of these synthetic cannabinoids in schedule I of the Controlled Substances Act (CSA) is necessary to avoid an

imminent hazard to the public safety. When it is issued, the temporary scheduling order will impose regulatory requirements under the CSA on the manufacture, distribution, reverse distribution, possession, importation, exportation, research, and conduct of instructional activities, and chemical analysis of these synthetic cannabinoids, as well as administrative, civil, and criminal remedies with respect to persons who fail to comply with such requirements or otherwise violate the CSA with respect to these substances.

DATES: May 30, 2018.

FOR FURTHER INFORMATION CONTACT: Michael J. Lewis, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION: This notice of intent contained in this document is issued pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h). The Drug Enforcement Administration (DEA) intends to issue a temporary scheduling order (in the form of a temporary amendment) placing NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA in schedule I of the Controlled Substances Act.[1] The temporary scheduling order will be published in the **Federal Register** on or after June 29, 2018.

Legal Authority

Section 201 of the Controlled Substances Act (CSA), 21 U.S.C. 811, provides the Attorney General with the authority to temporarily place a substance in schedule I of the CSA for two years without regard to the requirements of 21 U.S.C. 811(b) if he finds that such action is necessary to avoid an imminent hazard to the public safety. 21 U.S.C. 811(h)(1). In addition, if proceedings to control a substance permanently are initiated under 21 U.S.C. 811(a)(1) while the substance is temporarily controlled under section 811(h), the Attorney General may extend the temporary scheduling for up to one year. 21 U.S.C. 811(h)(2).

Where the necessary findings are made, a substance may be temporarily scheduled if it is not listed in any other schedule under section 202 of the CSA, 21 U.S.C. 812, or if there is no exemption or approval in effect for the substance under section 505 of the Federal Food, Drug, and Cosmetic Act (FDCA), 21 U.S.C. 355. 21 U.S.C. 811(h)(1); 21 CFR part 1308. The Attorney General has delegated scheduling authority under 21 U.S.C. 811 to the Administrator of the DEA. 28 CFR 0.100.

Background

Section 201(h)(4) of the CSA, 21 U.S.C. 811(h)(4), requires the Administrator to notify the Secretary of the Department of Health and Human Services (HHS) of his intention to temporarily place a substance in schedule I of the CSA.[2] The Acting Administrator transmitted notice of his intent to place NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA in schedule I on a temporary basis to the Assistant Secretary for Health of HHS by letter dated March 9, 2018. The Assistant Secretary responded to this notice of intent by letter dated March 27, 2018, and advised that based on a review by the Food and Drug Administration (FDA), there are currently no approved new drug applications or active investigational new drug applications for NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA. The Assistant Secretary also stated that the HHS has no objection to the temporary placement of NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA in schedule I of the CSA. NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA are not currently listed in any schedule under the CSA, and no exemptions or approvals are in effect for NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA under section 505 of the FDCA, 21 U.S.C. 355.

To find that placing a substance temporarily in schedule I of the CSA is necessary to avoid an imminent hazard to the public safety, the Administrator is required to consider three of the eight factors set forth in 21 U.S.C. 811(c): The substance's history and current pattern of abuse; the scope, duration and significance of abuse; and what, if any, risk there is to the public health. 21 U.S.C. 811(h)(3). Consideration of these factors includes actual abuse, diversion from legitimate channels, and clandestine importation, manufacture, or distribution. 21 U.S.C. 811(h)(3).

A substance meeting the statutory requirements for temporary scheduling may only be placed in schedule I. 21 U.S.C. 811(h)(1). Substances in schedule I are those that have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. 21 U.S.C. 812(b)(1).

Synthetic Cannabinoids

The illicit use of the synthetic cannabinoids (SCs) has continued throughout the United States, resulting in severe adverse effects, overdoses and deaths. While new SCs continue to emerge on the illicit market, some substances identified at their peak in previous years have continued to be abused by the user population.

SCs are substances synthesized in laboratories that mimic the biological effects of delta-9-tetrahydrocannabinol (THC), the main psychoactive ingredient in marijuana. SCs were introduced on the designer drug market in several European countries as ''herbal incense'' before the initial encounter in the United States by U.S. Customs and Border Protection (CBP) in November 2008. From 2009 to the present, misuse of SCs has increased in the United States with law enforcement encounters describing SCs applied onto plant material and in other designer drug products intended for human consumption. Hospital reports, scientific publications and/or law enforcement reports demonstrate that NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA and their associated designer drug products are abused for their psychoactive properties. As with many generations of SCs encountered since 2009, the abuse of NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA is impacting or will negatively impact communities.

As observed by the DEA and CBP, SCs originate from foreign sources, such as China. Bulk powder substances are smuggled via common carrier into the United States and find their way to clandestine designer drug product manufacturing operations located in residential neighborhoods, garages, warehouses, and other similar destinations throughout the country. According to online discussion boards and law enforcement encounters,

[1] Though DEA has used the term ''final order'' with respect to temporary scheduling orders in the past, this notice of intent adheres to the statutory language of 21 U.S.C. 811(h), which refers to a ''temporary scheduling order.'' No substantive change is intended.

[2] As discussed in a memorandum of understanding entered into by the Food and Drug Administration (FDA) and the National Institute on Drug Abuse (NIDA), the FDA acts as the lead agency within the HHS in carrying out the Secretary's scheduling responsibilities under the CSA, with the concurrence of NIDA. 50 FR 9518, Mar. 8, 1985. The Secretary of the HHS has delegated to the Assistant Secretary for Health of the HHS the authority to make domestic drug scheduling recommendations. 58 FR 35460, July 1, 1993.

spraying or mixing the SCs with plant material provides a vehicle for the most common route of administration—smoking (using a pipe, a water pipe, or rolling the drug-laced plant material in cigarette papers).

NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA have no accepted medical use in the United States. Use of NM2201, 5F-AB-PINACA and 4-CN-CUMYL-BUTINACA has been reported to result in adverse effects in humans in the United States. In addition, NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA and MMB-CHMICA have been seized by law enforcement in the United States. Use of 5F-CUMYL-P7AICA has not been documented in the United States yet, but its use has been reported to result in serious adverse events, including death, in other countries. Use of other SCs has resulted in signs of addiction and withdrawal. Based on the pharmacological similarities between NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA and other SCs, they are likely to produce signs of addiction and withdrawal similar to those produced by other SCs.

NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA are SCs that have pharmacological effects similar to the schedule I hallucinogen THC and other temporarily and permanently controlled schedule I SCs. In addition, the misuse of NM2201, 5F-AB-PINACA and 4-CN-CUMYL-BUTINACA has been associated with multiple overdoses requiring emergency medical intervention in the United States. With no approved medical use and limited safety or toxicological information, NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA have emerged on the designer drug market, and the abuse or trafficking of these substances for their psychoactive properties is concerning.

Factor 4. History and Current Pattern of Abuse

Synthetic cannabinoids have been developed by researchers over the last 30 years as tools for investigating the endocannabinoid system (*e.g.,* determining CB1 and CB2 receptor activity). The first encounter of SCs intended for illicit use within the United States occurred in November 2008 by CBP. Since then, the popularity of SCs as product adulterants and objects of abuse has increased as evidenced by law enforcement seizures, public health information, and media reports.

Numerous SCs have been identified as product adulterants, and law enforcement has seized bulk amounts of these substances. As successive generations of SCs have been identified and included within schedule I, illicit distributors have developed new SC substances that vary only by slight modifications to their chemical structure while retaining pharmacological effects related to their abuse potential. These substances and products laced with these substances are marketed under the guise of ''herbal incense'' and promoted as a ''legal high'' with a disclaimer that they are ''not for human consumption.'' Thus, after section 1152 of the Food and Drug Administration Safety and Innovation Act (FDASIA), Public Law 112–144, placed cannabimimetic agents and 26 specific substances in schedule I, law enforcement documented the emergence of new SCs, including UR-144, XLR11, AKB48, PB-22, 5F-PB-22, AB-FUBINACA, and ADB-PINACA. After these substances were temporarily scheduled (78 FR 28735, 79 FR 7577), another generation of SCs appeared, including AB-CHMINACA, AB-PINACA, and THJ-2201. These substances were also temporarily, and then permanently, scheduled in schedule I (80 FR 5042, 82 FR 8593).

NM2201 was first identified in November 2012 in seized drug evidence, followed by 5F-AB-PINCA (August, 2013), MMB-CHMICA (December, 2015) and most recently 4-CN-CUMYL BUTINACA (January, 2016). While 5F-CUMYL-P7AICA has not been encountered within the U.S. yet, the use of this substance and resulting adverse events have been documented in Europe. Based on the similarity between trafficking patterns, distribution and use of 5F-CUMYL-P7AICA versus other illicit SCs, 5F-CUMYL-P7AICA poses significant risk for emergence in illicit drug markets in the United States. Following their manufacture in China, SCs are often encountered in countries including New Zealand, Australia and Russia before appearing throughout Europe and eventually the U.S. Recent law enforcement seizures are demonstrating that some SCs whose popularity peaked in 2014 and 2015 have remained popular within the illicit market (*i.e.,* NM2201 and 5F-AB-PINACA). The misuse of NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA has been associated with either law enforcement seizures or overdoses requiring emergency medical intervention. Reports of overdoses involving the ingestion of products containing NM2201, 5F-AB-PINACA and 4-CN-CUMYL-BUTINACA, similar to other SCs available on the illicit market, have recently been published in the scientific literature.

The powder form of SCs is typically dissolved in solvents (*e.g.,* acetone) before being applied to plant material or dissolved in a propellant intended for use in electronic cigarette devices. In addition, 4-CN-CUMYL BUTINACA was identified as an adulterant on pieces of paper that were then smuggled into a detention facility and later found partially burned. Law enforcement personnel have encountered various application methods including buckets or cement mixers in which plant material and one or more SCs are mixed together, as well as large areas where the plant material is spread out so that a dissolved SC mixture can be applied directly. Once mixed, the SC plant material is then allowed to dry before manufacturers package the product for distribution, ignoring any control mechanisms to prevent contamination or to ensure a consistent, uniform concentration of the substance in each package. Adverse health consequences may also occur from directly ingesting the drug during the manufacturing process. The failure to adhere to any manufacturing standards with regard to amounts, the substance(s) included, purity, or contamination may increase the risk of adverse events. However, it is important to note that adherence to manufacturing standards would not eliminate their potential to produce adverse effects because the toxicity and safety profile of these SCs have not been studied.

NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA similar to other SCs, have been found in powder form or mixed with dried leaves or herbal blends that were marketed for human use. Presentations at emergency departments directly linked to the abuse of NM2201, 5F-AB-PINACA or 4-CN-CUMYL-BUTINACA have resulted in adverse symptoms, including diaphoresis, tachycardia, hypertension, seizures, agitation, violence, nausea and memory impairment.

Factor 5. Scope, Duration and Significance of Abuse

SCs continue to be encountered on the illicit market despite scheduling actions that attempt to safeguard the public from the adverse effects and safety issues associated with these substances (see factor 5 in supporting documentation). Novel substances continue to be encountered, differing

only by small chemical structural modifications intended to avoid prosecution while maintaining the pharmacological effects. Law enforcement and health care professionals continue to report the abuse of these substances and their associated products.

As described by the National Institute on Drug Abuse (NIDA), many substances being encountered in the illicit market, specifically SCs, have been available for years but have reentered the marketplace due to a renewed popularity. This is especially true for substances like NM2201 and 5F-AB-PINACA, SCs that were popular in 2014 have remained popular on the illicit market. The threat of serious injury to the individual and the imminent threat to public safety following the ingestion of NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA and other SCs persist.

Full reports of information obtained through STARLiMS,[3] STRIDE,[4] and NFLIS for the past five years are available under Factor 5 of the DEA 3-Factor Analysis. According to NFLIS data, state and local forensic laboratories have detected the following information about the SCs in question:

NM2201: 2,705 NFLIS reports from 30 states since 2012,[5] 282 STRIDE/STARLiMS reports from 21 states plus DC and Puerto Rico since 2014.

5F-AB-PINACA: 1,141 NFLIS reports from 36 states since 2013, 188 STRIDE/STARLiMS reports from 17 states plus DC and Guam since 2013.

4-CN-CUMYL-BUTINACA: 59 NFLIS reports from 3 states since 2016.

MMB-CHMICA: 201 NFLIS reports from 17 states since 2015, 96 STARLiMS reports from 8 states plus DC since 2015.

5F-CUMYL-P7AICA: Currently international seizures only.

As described previously, based on the similarity between trafficking patterns, distribution and the use of 5F-CUMYL-P7AICA versus other illicit SCs, 5F-CUMYL-P7AICA poses significant risk for emergence in illicit drug markets in the United States.

Factor 6. What, if Any, Risk There Is to the Public Health

Since first being identified in the U.S. in 2008, the ingestion of SCs continues to result in serious adverse effects. Details of these events in the U.S. and/or abroad involving NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA and 5F-CUMYL-P7AICA are summarized below and detailed in the DEA 3-Factor Analysis. While no adverse event information is currently available for MMB-CHMICA, increasing law enforcement seizures, scientific publications regarding its abuse and the pharmacological similarity of MMB-CHMICA to other currently controlled schedule I SCs with known risks to public health (*i.e.,* AB-CHMINACA, AB-FUBINACA, JWH-018) demonstrate an imminent hazard to public safety (see factor 5 in supporting documentation).

1. A previously well 25-year-old man in the United Kingdom presented with agitation, double incontinence and left-sided incoordination. His symptoms started after smoking a synthetic cannabinoid (black mamba) 5 days earlier. Over 48 hours, he developed aphasia, generalized hypertonia, hyper-reflexia and dense left hemiparesis. This progressed to profuse diaphoresis, fever, tachycardia, hypertension and a possible seizure necessitating admission to the intensive care unit. An electroencephalogram showed widespread brain wave slowing, indicating diffuse cerebral dysfunction. Toxicology analysis of the substance confirmed a potent synthetic cannabinoid NM2201.

2. In December 2015, 25-30 people in Ocala, FL who used a synthetic cannabinoid product were taken to local hospitals following episodes of violence, fighting and experiencing seizures. Local laboratory analysis confirmed drug evidence seized from the overdose cluster as NM2201.

3. In June 2014, a 37 year old male in Japan drove a car from a busy downtown street onto a wide sidewalk for 30 meters and hit many pedestrians one after another until it was stopped by collision with a telephone booth. A woman was killed and seven persons were injured. The driver lost consciousness and was drooling. He had no memory of what occurred after smoking. 5F-AMB and AB-CHMINACA were detected in the herbal mixture. In addition, 5F-AB-PINACA was detected in the urine sample.

4. Between December 2017 and January 2018, at least 37 confirmed or suspected cases of intoxication occurred in Utah following ingestion of products labeled either ''CBD Oil'' or ''YOLO.''. The products were liquids intended to be used in a vaping device or directly ingested sublingually. Further testing of these products determined that they contained the synthetic cannabinoid 4-CN-CUMYL-BUTINACA. As per the Utah Department of Health, adverse reactions included altered mental status, hallucinations, seizures, confusion, loss of consciousness, tachycardia or slurred speech.

5. In January 2018, 13 correctional facility workers were treated for overdose symptoms including diaphoresis, hypertension and tachycardia following ingestion of an airborne substance while conducting cell searches for contraband. In response to the overdose events, evidence retrieved from the searches tested positive for the synthetic cannabinoids 5F-ADB, 5F-EDMB-PINACA and 4-CN-CUMYL-BUTINACA.

6. Eight countries within Europe have reported just over 50 detections of 5F-CUMYL-P7AICA to the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). 5F-CUMYL-P7AICA was typically detected in plant material or as a powder. The biggest detections included a 5 kg seizure (December 2014) and 7 kg seizure (January 2015) of white powder believed to originate from China.

7. Two deaths with confirmed exposure to 5F-CUMYL-P7AICA (detected along with other substances) have been reported to the EMCDDA. These occurred in November 2016 and December 2016. In one of the cases, 5F-CUMYL-P7AICA was reported as the cause of death.

Because they share pharmacological similarities with schedule I substances (Δ^9-THC, JWH-018 and other temporarily and permanently controlled schedule I SCs), NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA pose serious risk to an abuser. Tolerance to SCs may develop fairly rapidly with larger doses being required to achieve the desired effect. Acute and chronic abuse of SCs in general have been linked to adverse health effects including signs of addiction and withdrawal, numerous reports of emergency department admissions resulting from their abuse, overall toxicity and deaths. Psychiatric case reports have been reported in the scientific literature detailing the SC abuse and associated psychoses. As abusers obtain these drugs through unknown sources, the identity and purity of these substances is uncertain and inconsistent, thus posing significant adverse health risks to users.

[3] STARLiMS is a laboratory information management system that systematically collects results from drug chemistry analyses conducted by DEA laboratories. On October 1, 2014, STARLiMS replaced STRIDE as the DEA laboratory drug evidence data system of record.

[4] STRIDE is a database of drug exhibits sent to DEA laboratories for analysis. Exhibits from the database are from the DEA, other federal agencies, and some local law enforcement agencies.

[5] At the time of query, 2017 data were still reporting.

NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA are being encountered on the illicit drug market in the U.S. and/or Europe and have no accepted medical use in the United States. Regardless, these products continue to be easily available and abused by diverse populations.

Finding of Necessity of Schedule I Placement To Avoid Imminent Hazard to Public Safety

In accordance with 21 U.S.C. 811(h)(3), based on the available data and information summarized above, the continued uncontrolled manufacture, distribution, reverse distribution, importation, exportation, conduct of research and chemical analysis, possession, and/or abuse of NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA, resulting from the lack of control of these substances, pose an imminent hazard to the public safety. The DEA is not aware of any currently accepted medical uses for NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA in the United States. A substance meeting the statutory requirements for temporary scheduling, 21 U.S.C. 811(h)(1), may only be placed in schedule I. Substances in schedule I are those that have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. Available data and information for NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA indicate that these SCs have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. As required by section 201(h)(4) of the CSA, 21 U.S.C. 811(h)(4), the Acting Administrator, through a letter dated March 9, 2018, notified the Assistant Secretary of the DEA's intention to temporarily place NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA in schedule I.

Conclusion

This notice of intent provides the 30-day notice pursuant to section 201(h) of the CSA, 21 U.S.C. 811(h), of the DEA's intent to issue a temporary scheduling order. In accordance with the provisions of section 201(h) of the CSA, 21 U.S.C. 811(h), the Acting Administrator considered available data and information, herein set forth the grounds for his determination that it is necessary to temporarily schedule Naphthalen-1-yl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate (trivial name: NM2201; CBL2201); *N*-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide (trivial name: 5F-AB-PINACA); 1-(4-cyanobutyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide (trivial name: 4-CN-CUMYL-BUTINACA; 4-cyano-CUMYL-BUTINACA; 4-CN-CUMYL BINACA; CUMYL-4CN-BINACA; SGT-78); methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3-methylbutanoate (trivial names: MMB-CHMICA, AMB-CHMICA); and 1-(5-fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-pyrrolo[2,3-b]pyridine-3-carboxamide (trivial name: 5F-CUMYL-P7AICA) in schedule I of the CSA, and finds that placement of NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA in schedule I of the CSA on a temporary basis is necessary to avoid an imminent hazard to the public safety.

The temporary placement of NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA in schedule I of the CSA will take effect pursuant to a temporary scheduling order, which will not be issued before June 29, 2018. Because the Acting Administrator hereby finds that it is necessary to temporarily place NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA in schedule I to avoid an imminent hazard to the public safety, the temporary order scheduling these substances will be effective on the date that order is published in the **Federal Register** and will be in effect for a period of two years, with a possible extension of one additional year, pending completion of the regular (permanent) scheduling process. 21 U.S.C. 811(h)(1) and (2). It is the intention of the Acting Administrator to issue a temporary scheduling order as soon as possible after the expiration of 30 days from the date of publication of this notice. Upon publication of the temporary order, NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA will be subject to the regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, reverse distribution, importation, exportation, research, conduct of instructional activities and chemical analysis, and possession of a schedule I controlled substance.

The CSA sets forth specific criteria for scheduling a drug or other substance. Regular scheduling actions in accordance with 21 U.S.C. 811(a) are subject to formal rulemaking procedures done ''on the record after opportunity for a hearing'' conducted pursuant to the provisions of 5 U.S.C. 556 and 557. 21 U.S.C. 811. The regular scheduling process of formal rulemaking affords interested parties with appropriate process and the government with any additional relevant information needed to make a determination. Final decisions that conclude the regular scheduling process of formal rulemaking are subject to judicial review. 21 U.S.C. 877. Temporary scheduling orders are not subject to judicial review. 21 U.S.C. 811(h)(6).

Regulatory Matters

Section 201(h) of the CSA, 21 U.S.C. 811(h), provides for a temporary scheduling action where such action is necessary to avoid an imminent hazard to the public safety. As provided in this subsection, the Attorney General may, by order, schedule a substance in schedule I on a temporary basis. Such an order may not be issued before the expiration of 30 days from (1) the publication of a notice in the **Federal Register** of the intention to issue such order and the grounds upon which such order is to be issued, and (2) the date that notice of the proposed temporary scheduling order is transmitted to the Assistant Secretary of HHS. 21 U.S.C. 811(h)(1).

Inasmuch as section 201(h) of the CSA directs that temporary scheduling actions be issued by order and sets forth the procedures by which such orders are to be issued, the DEA believes that the notice and comment requirements of section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553, do not apply to this notice of intent. In the alternative, even assuming that this notice of intent might be subject to section 553 of the APA, the Acting Administrator finds that there is good cause to forgo the notice and comment requirements of section 553, as any further delays in the process for issuance of temporary scheduling orders would be impracticable and contrary to the public interest in view of the manifest urgency to avoid an imminent hazard to the public safety.

Although the DEA believes this notice of intent to issue a temporary scheduling order is not subject to the notice and comment requirements of section 553 of the APA, the DEA notes that in accordance with 21 U.S.C. 811(h)(4), the Acting Administrator took into consideration comments submitted by the Assistant Secretary in response to the notice that DEA transmitted to the

Assistant Secretary pursuant to section 811(h)(4).

Further, the DEA believes that this temporary scheduling action is not a ''rule'' as defined by 5 U.S.C. 601(2), and, accordingly, is not subject to the requirements of the Regulatory Flexibility Act (RFA). The requirements for the preparation of an initial regulatory flexibility analysis in 5 U.S.C. 603(a) are not applicable where, as here, the DEA is not required by section 553 of the APA or any other law to publish a general notice of proposed rulemaking.

Additionally, this action is not a significant regulatory action as defined by Executive Order 12866 (Regulatory Planning and Review), section 3(f), and, accordingly, this action has not been reviewed by the Office of Management and Budget.

This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132 (Federalism) it is determined that this action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, the DEA proposes to amend 21 CFR part 1308 as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), 956(b), unless otherwise noted.

■ 2. In § 1308.11, add paragraph (h)(31) to (35) to read as follows: 11, add paragraphs (h)(31) through (35) to read as follows:

§ 1308.11 Schedule I.

* * * * *

(h) * * *

(31) Naphthalen-1-yl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: NM2201; CBL2201) ..... (7221)

(32) *N*-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 5F-AB-PINACA) ..... (7025)

(33) 1-(4-cyanobutyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 4-CN-CUMYL-BUTINACA; 4-cyano-CUMYL-BUTINACA; 4-CN-CUMYL BINACA; CUMYL-4CN-BINACA; SGT-78) ..... (7089)

(34) methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3-methylbutanoate, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: MMB-CHMICA, AMB-CHMICA) ..... (7044)

(35) 1-(5-fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-pyrrolo[2,3-b]pyridine-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 5F-CUMYL-P7AICA) ..... (7085)

* * * * *

Dated: May 23, 2018.

Robert W. Patterson,

Acting Administrator.

[FR Doc. 2018–11531 Filed 5–29–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 2 and 7

[Docket No. PTO–T–2017–0004]

RIN 0651–AD15

Changes to the Trademark Rules of Practice To Mandate Electronic Filing

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: The United States Patent and Trademark Office (USPTO or Office) proposes to amend the Rules of Practice in Trademark Cases and the Rules of Practice in Filings Pursuant to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks to mandate electronic filing of trademark applications and submissions associated with trademark applications and registrations, and to require the designation of an email address for receiving USPTO correspondence. This proposed rule would further advance the USPTO's IT strategy to achieve complete end-to-end electronic processing of trademark-related submissions, thereby improving administrative efficiency by facilitating electronic file management, optimizing workflow processes, and reducing processing errors.

DATES: Comments must be received by July 30, 2018 to ensure consideration.

ADDRESSES: The USPTO prefers that comments be submitted via electronic mail message to *TMFRNotices@uspto.gov.* Written comments also may be submitted by mail to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313–1451, attention Catherine Cain; by hand delivery to the Trademark Assistance Center, Concourse Level, James Madison Building-East Wing, 600 Dulany Street, Alexandria, VA 22314, attention Catherine Cain; or by electronic mail message via the Federal eRulemaking Portal at *http://www.regulations.gov.* See the Federal eRulemaking Portal website for additional instructions on providing comments via the Federal eRulemaking Portal. All comments submitted directly to the USPTO or provided on the Federal eRulemaking Portal should include the docket number (PTO–T–2017–0004).

Although comments may be submitted by postal mail, the Office prefers to receive comments by electronic mail message over the internet because the Office may easily share such comments with the public. Electronic comments are preferred to be submitted in plain text, but also may be submitted in portable document format or DOC file format. Comments not submitted electronically should be submitted on paper in a format that facilitates convenient digital scanning into portable document format.

The comments will be available for public inspection on the USPTO's website at *http://www.uspto.gov,* on the Federal eRulemaking Portal, and at the Office of the Commissioner for Trademarks, Madison East, Tenth Floor, 600 Dulany Street, Alexandria, VA 22314. Because comments will be made available for public inspection, information that is not desired to be made public, such as an address or phone number, should not be included.

FOR FURTHER INFORMATION CONTACT: Catherine Cain, Office of the Deputy Commissioner for Trademark Examination Policy, by email at *TMPolicy@uspto.gov* or by telephone at (571) 272–8946.

SUPPLEMENTARY INFORMATION:

Purpose: The USPTO proposes to revise the rules in parts 2 and 7 of title 37 of the Code of Federal Regulations to require electronic filing through the USPTO's Trademark Electronic Application System (TEAS) of all trademark applications based on section 1 and/or section 44 of the Trademark Act (Act), 15 U.S.C. 1051, 1126, and submissions filed with the USPTO concerning applications or registrations. These submissions include responses to Office actions, maintenance declarations, renewal applications, international applications, subsequent designations, and direct filings with the USPTO relating to extensions of protection through the international registration system. In addition, the proposed revisions to the rules would require the designation of an email address for receiving USPTO correspondence concerning these submissions. The requirement to file an initial application through TEAS would not apply to applications based on section 66(a) of the Act, 15 U.S.C. 1141f, because such applications are initially filed with the International Bureau (IB) of the World Intellectual Property Organization and subsequently transmitted to the USPTO. However, section 66(a) applicants and registrants would be required to electronically file all subsequent submissions concerning their applications or registrations and to designate an email address for receiving USPTO correspondence. This rulemaking does not include submissions made to the Trademark Trial and Appeal Board (TTAB) in ex parte or inter partes proceedings. Such submissions are currently required to be filed through the USPTO's Electronic System for Trademark Trials and Appeals (ESTTA).

This proposed rule is intended to maximize end-to-end electronic processing of applications and related submissions, as well as registration maintenance filings. Achieving complete end-to-end electronic processing of all trademark submissions is a strategic objective of the USPTO. End-to-end electronic processing means that an application and all application- and registration-related submissions are filed and processed electronically, and any related correspondence between the USPTO and the relevant party is conducted entirely electronically. Thus, an application that is processed electronically end to end would be submitted through TEAS, and all submissions related to the application, such as voluntary amendments, responses to Office actions, or allegations of use, would be filed through TEAS. With this change, outgoing USPTO correspondence regarding the application would be sent by email. Likewise, all submissions related to a registration would be filed through TEAS and outgoing USPTO correspondence regarding the registration would be sent by email communication.

Although more than 99% of applications under section 1 or section 44 are now filed electronically, only about 87% are prosecuted electronically from end to end. This means that approximately 12% of these filings still involve paper processing. Prior reductions in the filing fees for electronic submissions resulted in almost 100% of new applications being filed electronically, but did not completely close the loop on end-to-end electronic communication. The process for submitting responses and other documents is no different from the process for submitting an application. To the extent that several years ago there was a limitation on the file size that the USPTO electronic system could accept, which may have resulted in applicants and registrants submitting large evidentiary files on paper, that issue no longer exists. By mandating electronic filing of trademark applications and submissions concerning applications or registrations through TEAS, the proposed rules are intended to reduce paper processing to an absolute minimum and thus maximize end-to-end electronic processing.

End-to-end electronic processing of all applications, related correspondence, statutorily required registration maintenance submissions, and other submissions will benefit trademark customers and increase the USPTO's administrative efficiency by facilitating electronic file management, optimizing workflow processes, and reducing processing errors. Paper submissions hinder efficiency and accuracy and are more costly to process than electronic submissions because they require manual uploading of scanned copies of the documents into the USPTO electronic records system and manual data entry of information set forth in the documents. Electronic submissions through TEAS, on the other hand, generally do not require manual processing and are automatically categorized, labeled, and uploaded directly into an electronic file wrapper in the USPTO electronic records system for review by USPTO employees and the public. If a TEAS submission contains any amendments to the application or other changes to the information in the record, often those amendments and changes are automatically entered into the electronic records system. Furthermore, TEAS submissions are more likely to include all necessary information because the USPTO can update its forms to specifically tailor the requirements of a particular submission and require that the information be validated prior to submission. Consequently, preparing and submitting an application or related document through TEAS is likely to result in a more complete submission and take less time than preparing and mailing the paper equivalent. Thus, TEAS submissions expedite processing, shorten application pendency, minimize manual data entry and potential data-entry errors, and eliminate the potential for lost or missing papers.

This proposed rule also requires the designation of an email address for receiving USPTO correspondence concerning these submissions. Currently, in order to receive a filing date for a new application under section 1 or section 44, the USPTO requires, inter alia, that the applicant designate ''an address for correspondence.'' 37 CFR 2.21(a)(2). Applicants who file using the TEAS Plus or TEAS Reduced Fee (TEAS RF) options are required to designate an email address for correspondence. Those who file on paper or select the regular TEAS option may designate a postal address to satisfy this requirement. This proposed rule would require applicants and registrants, and parties to a proceeding before the TTAB, to provide and maintain an email address for correspondence. The requirement to designate an email address for receiving USPTO correspondence benefits the USPTO and its customers by reducing costs and increasing efficiency. Email correspondence can be sent, received, and processed faster than paper correspondence, which must be printed, collated, scanned, and uploaded to the electronic records system, and mailed domestically or internationally, at greater expense. Under this proposed rule, applicants and registrants, and parties to a proceeding before the TTAB, would also be required to provide and maintain a postal address, as would their qualified practitioner, if the applicant, registrant, or party is represented. This requirement ensures that the USPTO would always be able to contact the applicant, registrant, party, or practitioner in the event the email correspondence address cannot be used.

TEAS currently provides 58 forms for filing trademark applications and other submissions related to the prosecution of applications and the maintenance of

registrations. As noted above, more than 99% of trademark applications under section 1 and/or section 44 are now filed electronically through TEAS. The entire trademark application prosecution process currently can be conducted electronically, without the need for paper processing, if the applicant files the application and related submissions through TEAS and provides an email address to which the USPTO is authorized to send correspondence regarding the application. If an examining attorney issues an Office action, the USPTO can send an email notice to the applicant or its attorney at the designated email address, stating that an Office action has issued and providing a link to the USPTO's Trademark Status and Document Retrieval (TSDR) system where the Office action may be viewed, downloaded, and printed. The applicant can file a response to the Office action, and any subsequent submissions, through TEAS. The USPTO can also send other notices regarding the status of the application electronically to the designated email address. Once the mark is registered, the mark owner can use TEAS to file post-registration documents and the Office can communicate electronically with the mark owner concerning those submissions.

Previous Initiatives to Increase End-to-End Electronic Processing: The USPTO previously amended its rules to encourage electronic filing through TEAS and email communication by establishing the TEAS Plus and TEAS RF filing options for applications that are based on section 1 and/or section 44. *See* 37 CFR 2.6. These filing options have lower application fees than a regular TEAS application, but, unlike a regular TEAS application, they require the applicant to (1) provide, authorize, and maintain an email address for receiving USPTO correspondence regarding the application and (2) file certain application-related submissions through TEAS. *See* 37 CFR 2.22, 2.23. If the applicant does not fulfill these requirements, the applicant must pay an additional processing fee. *See* 37 CFR 2.6, 2.22, 2.23.

Despite these additional requirements, and the potential additional processing fee for noncompliance, the TEAS RF filing option is now the most popular filing option among USPTO customers, followed by TEAS Plus. These two filing options currently account for approximately 97% of all new trademark applications filed under section 1 and/or section 44, suggesting that most applicants are comfortable with filing and communicating with the USPTO electronically.

Furthermore, in January 2017, the USPTO revised its rules to (1) increase fees for paper filings to bring the fees nearer to the cost of processing the filings and encourage customers to use lower-cost electronic options and (2) require that all submissions to the TTAB be filed through ESTTA. As a result of these rule changes, the USPTO is now processing approximately 87% of applications filed under section 1 and/or section 44 electronically end to end.

Proposed Rule Changes:

(1) New Applications. Under this proposed rule, § 2.21 would be amended to require applicants to file electronically, through TEAS, any trademark, service mark, certification mark, collective membership mark, or collective trademark or service mark application for registration on the Principal or Supplemental Register under section 1 and/or section 44. As noted above, the requirement to file an application through TEAS would not apply to applications based on section 66(a) because they are initially processed by the IB and subsequently transmitted electronically to the USPTO.

The existing TEAS RF filing option, which currently requires applicants to maintain an email address for receiving USPTO correspondence regarding the application and file the application and related submissions through TEAS, would effectively become the default, or ''standard,'' filing option and would be renamed ''TEAS Standard.'' The filing fee for this option would remain $275 per class. The TEAS Plus option would also remain at $225 per class, while the TEAS option under 37 CFR 2.6(a)(1)(ii) at $400 per class would be eliminated. However, the per-class fee of $400 set forth in § 2.6(a)(1)(ii), which is the current filing fee for applications under section 66(a), would be retained as the filing fee for such applications.

Under this proposed rule, an application filed on paper under section 1 and/or section 44 would be denied a filing date unless it falls under one of the limited exceptions discussed below.

(2) Processing Fee. Currently, the additional processing fee under § 2.6(a)(1)(v) applies to TEAS Plus applications that fail to meet the requirements under § 2.22(a) at filing, and applies to both TEAS Plus and TEAS RF applications when certain submissions are not filed through TEAS or when the applicant fails to maintain a valid email address for receipt of communications from the Office. Under this proposed rule, the processing fee would apply only to TEAS Plus applications that fail to meet the proposed revised requirements under § 2.22(a) at filing. As discussed below, all applicants and registrants, except those specifically exempted, would be required to submit electronically submissions filed in connection with an application or registration and to designate and maintain an email address for correspondence. All applicants and registrants who seek acceptance of a submission filed on paper, pursuant to proposed § 2.147, or a waiver of the requirement to file such submissions electronically, must pay the relevant paper filing fee and the paper petition fee for any submission filed on paper. Because the fees for filing on paper are higher than those for filing electronically, the Office has determined that applicants who seek acceptance of a submission filed on paper or a waiver of the requirement to file electronically should not be further penalized by being required to pay this processing fee.

(3) Submissions Required to be Filed Through TEAS. This proposed rule would amend the rules at § 2.23 to also require that correspondence concerning a trademark application or registration under section 1, section 44, or section 66(a) be filed through TEAS, except for correspondence required to be submitted to the Assignment Recordation Branch or through ESTTA. Although all correspondence is required to be filed electronically, the USPTO recognizes that there may be certain instances when a paper filing is necessary. For those instances, the Office also proposes to codify a new regulatory section, at 37 CFR 2.147, which sets out a procedure for requesting acceptance of paper submissions under particular specified circumstances. The proposed section is discussed below in the explanation of the limited exceptions to the proposed requirements.

Although this proposed rule would require that correspondence be filed through TEAS, it would make no such requirement for informal communications. Thus, consistent with current USPTO practice, an applicant or an applicant's attorney may still conduct informal communications with an examining attorney or post registration specialist regarding a particular application or registration by telephone or email. *See* Trademark Manual of Examining Procedure (TMEP) § 709.05.

(4) Email Correspondence Address. This proposed rule would amend §§ 2.21, 2.23, and 7.4 to require that applicants and registrants provide a valid email correspondence address.

Under current USPTO rules and practice, applicants and registrants have a duty to maintain a current and accurate correspondence address, including any designated email address to which the USPTO would send correspondence. 37 CFR 2.18(b); TMEP § 609.03. This proposed rule does not obviate this duty. Thus, except in the case of nationals from exempted treaty countries, as discussed below, the required method of communicating with the USPTO would be via email and the USPTO would send correspondence to the designated email address. If the email transmission were to fail because, for example, the applicant or registrant provided an incorrect email address, the recipient's mailbox is full, or the email provider has a service outage, the USPTO would not attempt to contact the correspondent by other means. Instead, pursuant to proposed § 2.23(d), the applicant or registrant is responsible for monitoring the status of the application or registration using the USPTO's TSDR system, which would display any USPTO Office actions and notices that have issued, any submissions received in the USPTO, and any other actions taken by the USPTO. *See* TMEP § 108.03.

As noted above, applications under section 66(a) are processed and transmitted electronically to the USPTO from the IB. These applications do not include an email address for receiving USPTO correspondence, but would be subject to the proposed requirements to file all submissions electronically and to provide an email address for receipt of correspondence from the USPTO under proposed §§ 2.23(b) and 2.32(a)(2), (4).

Limited Exceptions for Paper Submissions: There are some limited circumstances in which the USPTO would permit paper submissions of applications and correspondence, as discussed below. This proposed rule also establishes a process for filing paper submissions in such circumstances.

(1) International Agreements: The United States (U.S.) is a member of both the Trademark Law Treaty (TLT) and the subsequent Singapore Treaty on the Law of Trademarks (STLT). TLT and STLT constitute two separate international instruments that may be ratified or acceded to independently by member countries. One provision of TLT mandates that its members accept paper trademark applications and related correspondence from nationals of other TLT members. STLT, on the other hand, allows its members to choose the means of transmittal of communications, whether on paper, in electronic form, or in any other form. This incongruity between the treaties was addressed in Article 27(2) of STLT, which provides that any Contracting Party to both STLT and TLT shall continue to apply TLT in its relation with Contracting Parties to TLT that are not parties to STLT. Accordingly, nationals of TLT members that are not also members of STLT at the time of submission of the relevant document to the USPTO would not be required to file electronically or receive communications from the Office via email, nor would they be required to submit a petition with a paper filing, until such time as their country joins STLT. Currently, the countries whose nationals the Office must accept paper trademark applications and related correspondence from are: Bahrain, Bosnia and Herzegovina, Burkina Faso, Chile, Colombia, Costa Rica, Cyprus, Czech Republic, Dominican Republic, Egypt, El Salvador, Guatemala, Guinea, Honduras, Hungary, Indonesia, Monaco, Montenegro, Morocco, Nicaragua, Oman, Panama, Peru, Slovenia, Sri Lanka, Trinidad and Tobago, Turkey, and Uzbekistan.

(2) Specimens for Scent, Flavor, or Other Non-Traditional Marks: This proposed rule would allow for the separate submission of physical specimens when it is not possible to submit the specimen through TEAS because of the nature of the mark. For example, if the application or registration is for a scent or flavor mark, because the required specimen must show use, or continued use, of the flavor or scent, it cannot be uploaded electronically. In that situation, the applicant may submit the application through TEAS and indicate that it is mailing the specimen to the USPTO. In these circumstances, all other requirements of this proposed rule would still apply. However, the applicant or registrant would not be required to submit a petition requesting acceptance of a specimen filed on paper or waiver of the requirement to file the specimen electronically. This exception does not apply to specimens for sound marks, which can be attached to the TEAS form as an electronic file.

(3) Petition to Accept a Paper Submission: The USPTO herein proposes a new regulatory section entitled ''Petition to the Director to accept a paper submission,'' which would be codified at § 2.147. Pursuant to this proposed section, an applicant or registrant may file a petition to the Director requesting acceptance of a submission filed on paper in three situations.

Under proposed § 2.147(a), the petition may be submitted if TEAS is unavailable on the date of the deadline for the submission specified in a regulation in parts 2 or 7 of this chapter or in a section of the Act. Under this provision, the applicant or registrant would be required to submit proof that TEAS was unavailable because a technical problem, on either the USPTO's part or the user's part, prevented the user from submitting the document electronically. Generally, if a user receives an error message the first time they attempt to submit a filing electronically, the Office expects that he or she will try to ascertain and resolve failures due to user error. In situations where the inability to submit the filing was not due to user error, the Office would encourage a user to make another attempt to submit the document electronically before resorting to the paper petition process.

The second scenario applies to a document identified in proposed § 2.147(b) that was timely submitted on paper, but not examined by the Office because it was not submitted electronically in accordance with proposed § 2.21(a) or § 2.23(a). The Office would notify the applicant, registrant, or party to a proceeding before the TTAB that the document was not examined and must be resubmitted electronically. The applicant, registrant, or party may request that the timely filed paper submission be accepted only if the applicant, registrant, or party is unable to timely resubmit the document electronically by the statutory deadline.

Finally, under proposed § 2.147(c), when an applicant or registrant does not meet the requirements under proposed § 2.147(a) or (b) for requesting acceptance of the paper submission, the applicant or registrant may petition the Director under § 2.146(a)(5), requesting a waiver of § 2.21(a) or § 2.23(a) and documenting the nature of the extraordinary situation that prevented the party from submitting the correspondence electronically. Because the assessment of what would qualify as an extraordinary situation depends on the specific facts, the Office would address particular situations on a case-by-case basis.

The Office intends to continue the approach it has employed in the past when USPTO technical problems rendered TEAS unavailable. For example, when verifiable issues with USPTO systems prevented electronic filing for extended periods, the Office has waived non-statutory deadlines on petition, such as the deadline for response to a post-registration Office action, as well as petition fees. Such measures help avoid negatively impacting applicants and registrants in

the event of USPTO technical problems. Because the impact of technical problems varies depending on the specific facts, the Office cannot provide advance guidance about all possibilities or specific measures the USPTO may take in the future. Moreover, applicants and registrants must be mindful of the fact that statutory deadlines, such as those for submission of a statement of use or an affidavit or declaration of use under section 8 or section 71, cannot be waived. The USPTO strongly encourages applicants and registrants to ensure that they are able to timely submit the relevant document by mail in the event of an unexpected technical problem to avoid missing a statutory deadline.

Note that the inability to submit an application or submission electronically due to regularly scheduled system maintenance does not qualify for relief under proposed § 2.147 or as an extraordinary situation under § 2.146. The USPTO routinely performs system maintenance between midnight and 5:30 a.m. Eastern Time on weeknights and at all hours on Saturdays, Sundays, and holidays. Advance notice of the maintenance is generally posted on the USPTO Systems Status and Availability page on the USPTO website.

(4) Postal-service Interruptions or Emergencies. The Office intends to continue the approach it has employed when there has been a postal-service interruption or emergency related to a natural disaster. In such events, the Office has generally waived certain requirements of the rules, such as non-statutory deadlines and petition fees. The Office also issues notices regarding the specific procedures to be followed in such circumstances and posts the notices on the ''Operating Status'' page of the USPTO website.

Requirements for Paper Submissions: Because paper submissions would be permitted in the limited circumstances described above, the current rules addressing the requirements for paper submissions would be retained and modified, as necessary, for consistency with the other revisions in this proposed rule. In addition, the current rules governing the certificate-of-mailing and Priority Mail Express® procedures, 37 CFR 2.197 and 2.198, limit the applicability of these procedures to certain types of trademark submissions. This proposed rule would remove these limitations, making filing with a certificate of mailing or via Priority Mail Express® available for all submissions, including new applications, on the rare occasions when filing on paper would be permitted. This proposed rule would also simplify how the filing date of a submission utilizing these procedures is determined. Streamlining the requirements for filing with a certificate of mailing or via Priority Mail Express® would provide greater clarity to parties who seek to utilize these procedures and make the rules easier to administer for the Office. Although the certificate-of-mailing and Priority Mail Express® procedures would be retained, facsimile transmissions, which are currently permitted for certain types of trademark correspondence, would not be permitted for any applications or submissions under this proposed rule.

Discussion of Proposed Regulatory Changes

The USPTO proposes to amend § 2.2 to revise paragraph (e) to include the abbreviation ''USPTO'' and paragraphs (f) and (g) to indicate that the definitions of TEAS and ESTTA include all related electronic systems required to complete an electronic submission through each and to delete the URLs. The USPTO also proposes to add: § 2.2(o), defining ETAS; § 2.2(p), defining ''Eastern Time;'' § 2.2(q), defining ''electronic submission;'' and § 2.2(r) defining ''USPS.''

The USPTO proposes to amend § 2.6 to clarify that § 2.6(a)(1)(ii) applies to applications filed under section 66(a) of the Act. The USPTO also proposes to change the wording ''Reduced Fee (RF)'' to ''Standard'' and delete the reference to § 2.23 in § 2.6(a)(1)(iii), to reword § 2.6(a)(1)(iv) for clarity, and to delete the reference to § 2.23(c) in § 2.6(a)(1)(iv).

The USPTO proposes to delete the wording ''and attorney'' and the reference to TEAS in current § 2.17(d)(1), because it is unnecessary in view of proposed § 2.23(a), and to delete paragraph (d)(2) as unnecessary as a result of updates to the electronic form for filing a power of attorney.

The USPTO proposes to add introductory text to § 2.18(a) indicating that the following paragraphs set out the procedures by which the Office would determine the address to which correspondence would be sent. The USPTO proposes to revise § 2.18(a)(1) to define when the Office will send correspondence to the applicant, registrant, or party to a proceeding and § 2.18(a)(2) to define when the Office will send correspondence to a qualified practitioner. The USPTO also proposes to delete current paragraphs (a)(3)–(a)(5), to redesignate current § 2.18(a)(6) as § 2.18(b) and reword for clarity, and to delete current paragraph (a)(7) and incorporate the text into proposed § 2.18(a)(2). The USPTO proposes to redesignate current § 2.18(b) as § 2.18(c) and to incorporate and clarify the requirements in current § 2.18(b)(1)–(4), which would be deleted. The USPTO proposes to redesignate current § 2.18(c)(1) as § 2.18(d), to delete the second and third sentences in current § 2.18(c)(1), to clarify that the Office will change the address if a new address is provided, to add a cross reference to proposed § 2.18(a), and to delete current § 2.18(c)(2).

The USPTO proposes to amend § 2.21(a) to require that applications under section 1 or section 44 be filed through TEAS, to require the postal and email addresses for each applicant, and if the applicant is represented by a qualified practitioner, to require the postal and email addresses for the practitioner. The USPTO proposes to reword § 2.21(a)(5) for clarity, to reword § 2.21(b) and include a reference to proposed § 2.21(c), which sets out an exemption for certain countries.

The USPTO proposes to amend § 2.22(a) to specify that TEAS Plus applications must satisfy the requirements of § 2.21, to delete current paragraphs (a)(1), (a)(5), and (a)(6) and renumber the remaining paragraphs, to correct the cross reference in redesignated paragraph (a)(7) to § 2.6(a)(1)(iv), to delete the first sentence and the reference to a particular format in redesignated paragraph (a)(9), and to delete the URL in redesignated paragraph (a)(10). The USPTO proposes to revise § 2.22(b) to indicate that the applicant must comply with proposed § 2.23(a) and (b), to delete § 2.22(b)(1) and (b)(2), and to delete the second sentence in § 2.22(c).

The USPTO proposes to amend the title of § 2.23 to ''Requirements to correspond electronically with the Office and duty to monitor status'' and to delete the current text of the section. The USPTO proposes to revise § 2.23(a) to require that, unless stated otherwise, all trademark correspondence be filed through TEAS, to revise § 2.23(b) to require that applicants, registrants, and parties to a proceeding maintain a valid email correspondence address, to revise current § 2.23(c) to set out an exemption for nationals of a country that has acceded to the Trademark Law Treaty, but not to the Singapore Treaty on the Law of Trademarks, and to add § 2.23(d) to require applicants and registrants to monitor the status of their applications and registrations.

The USPTO proposes to amend § 2.24(a) to clarify that only an applicant or registrant that is not domiciled in the U.S. may designate a domestic representative. The USPTO proposes to delete § 2.24(a)(1)(i), to redesignate

§ 2.24(a)(1)(ii) as § 2.24(b) and require an email and postal address for a designated domestic representative, and to delete § 2.24(a)(2). The USPTO proposes to redesignate § 2.24(a)(3) as § 2.24(c) and reword for clarity, and to delete current § 2.24(b).

The USPTO proposes to amend § 2.32(a)(2) to include a requirement for the postal and email addresses of each applicant, unless the applicant or registrant is a national of a country that has acceded to the Trademark Law Treaty, but not to the Singapore Treaty on the Law of Trademarks. The USPTO also proposes to amend § 2.32(a)(4) to delete the current wording and require the name, postal address, and email address of an applicant's qualified practitioner. The USPTO proposes to amend § 2.32(d) to add the word ''the'' before ''fee.''

The USPTO proposes to reword § 2.56(a) slightly for clarity, to amend § 2.56(d) to set out the requirements for submitting a specimen through TEAS, to revise current § 2.56(d)(1) and (2) to set out the exceptions to the proposed requirements, and to delete § 2.56(d)(3) and (4).

The USPTO proposes to amend the title of § 2.62 to ''Procedure for submitting response,'' to revise § 2.62(a) slightly for clarity, to revise § 2.62(c) for consistency with proposed § 2.23, and to add that responses filed via facsimile will not be accorded a date of receipt.

The USPTO proposes to amend § 2.111(c)(2) for consistency with proposed § 2.147(b).

The USPTO proposes to amend § 2.146(a) to add the words ''in a trademark case'' and to revise § 2.146(a)(2) and (4) to specify that the regulation applies to ''parts 2, 3, 6, and 7'' of Title 37.

The USPTO proposes to add § 2.147 to set out the requirements for submitting a petition requesting acceptance of a paper submission.

The USPTO proposes to amend § 2.148 to clarify that it applies to ''parts 2, 3, 6, and 7 of this chapter.''

The USPTO proposes to amend § 2.151 to indicate that the certificate of registration will issue to the owner, to reword the second and third sentences for clarity, and to change the wording ''accompany'' in the last sentence to ''issue with.''

The USPTO proposes to amend § 2.162 to change the word ''includes'' to ''issues with the certificate'' for consistency with proposed § 2.151.

The USPTO proposes to amend § 2.190(a) to clarify that the paragraph refers to paper documents and that the stated mailing address should be used when trademark documents are permitted to be filed by mail. The USPTO proposes to amend § 2.190(b) to state that trademark documents filed electronically must be submitted through TEAS and that documents related to TTAB proceedings must be filed through ESTTA, and to delete the URLs. The USPTO proposes to reword § 2.190(c) for clarity and to delete the mailing address and URL. The USPTO proposes to add ''certified'' to the title of § 2.190(d) and to delete the first sentence and the wording ''or uncertified'' in the second sentence. The USPTO proposes to correct the mailing address in § 2.190(e).

The USPTO proposes to amend the title of § 2.191 to ''Action of the Office based on the written record'' and to revise the section to state that all business must be recorded in writing, to reword for clarity, and to delete the last sentence.

The USPTO proposes to amend § 2.193(a)(2) and (b) to delete wording regarding submission of a photocopy or facsimile or by facsimile transmission. The USPTO proposes to amend § 2.193(c)(1) to change the wording ''he or she'' to ''the signer,'' and to revise § 2.193(d) to require submission of the first and last name and the title or position of the signatory and to delete the wording ''in printed or typed form'' and the wording after ''the signature.'' The USPTO proposes to amend the introductory text of § 2.193(e) to clarify that documents must be signed as specified in paragraphs (e)(1)–(10). The USPTO proposes to delete the term ''paper'' in § 2.193(e)(10), to reword § 2.193(g)(1) for clarity, and to change ''correspondence'' to ''documents'' and delete the last sentence in § 2.193(g)(2).

The USPTO proposes to amend the title of § 2.195 to ''Filing date of trademark correspondence.'' The USPTO proposes to delete current § 2.195(a)–(d) and to set out the procedures for determining the filing date of electronic and paper submissions in proposed § 2.195(a) and (b)(1) through (b)(2), to indicate when the Office is closed in proposed § 2.195(b)(3), to indicate that email and facsimile transmissions are not permitted in proposed § 2.195(c), and to redesignate current § 2.195(e) as § 2.195(d)(1)–(3) and delete current § 2.195(e)(3).

The USPTO proposes to amend the title of § 2.197 to ''Certificate of mailing.'' The USPTO proposes to delete current § 2.197(a)–(c) and to set out the requirements for obtaining a filing date based on a certificate of mailing in proposed § 2.197(a), the procedure when correspondence is mailed in accordance with paragraph (a) of this section but not received by the Office in proposed § 2.197(b), and the filing date when the certificate of mailing does not meet the requirements in proposed § 2.197(c).

The USPTO proposes to delete current § 2.198(a)–(f) and to clarify the filing date of correspondence submitted under this section in proposed § 2.198(a) and (b) and the procedures when there is a discrepancy, error, or non-receipt in proposed § 2.198(c)–(e).

The USPTO proposes to amend § 7.1(c) to indicate that the definition of TEAS includes all related electronic systems required to complete an electronic submission through TEAS and to delete a URL. The USPTO proposes to amend § 7.1(d) to add ''or the abbreviation *USPTO*'' and § 7.1(f) to add cross references to proposed § 2.2(p)–(r).

The USPTO proposes to amend the title of § 7.4 to ''International applications and registrations originating from the USPTO—Requirements to electronically file and communicate with the Office.'' The USPTO proposes to amend § 7.4(a) to specify that all correspondence relating to international applications and registrations originating from the USPTO must be submitted through TEAS and include a valid email correspondence address. The USPTO proposes to amend § 7.4(b) to require that applicants and registrants maintain a valid email correspondence address and to delete current paragraphs (b)(1) and (b)(2). The USPTO proposes to amend § 7.4(c) to set out an exemption for nationals of a country that has acceded to the Trademark Law Treaty, but not to the Singapore Treaty on the Law of Trademarks and § 7.4(d) to set out the procedure if TEAS is unavailable or when there is an extraordinary situation, and to delete paragraphs (d)(1)–(d)(6). The USPTO also proposes to delete § 7.4(e).

The USPTO proposes to amend § 7.11(a) to delete the word ''either,'' to add a cross reference to § 7.4(a), and to specify that the Office will grant a date of receipt to an international application typed on the official paper form issued by the International Bureau if a paper submission is permitted under § 7.4(c) or accepted on petition pursuant to § 7.4(d). The USPTO also proposes to delete § 7.11(a)(12).

The USPTO proposes to amend § 7.21(b) to delete the word ''either,'' to add a cross reference to § 7.4(a), and to specify that the Office will grant a date of receipt to a subsequent designation typed on the official paper form issued by the International Bureau if a paper submission is permitted under § 7.4(c)

or accepted on petition pursuant to § 7.4(d). The USPTO also proposes to delete § 7.21(b)(9).

The USPTO proposes to revise § 7.25 to delete the reference to § 2.23 and replace it with a reference to § 2.22 and to add a cross reference to § 2.198.

Rulemaking Requirements

A. Administrative Procedure Act

The changes in this rulemaking involve rules of agency practice and procedure, and/or interpretive rules. *See Perez* v. *Mortg. Bankers Ass'n,* 135 S. Ct. 1199, 1204 (2015) (Interpretive rules ''advise the public of the agency's construction of the statutes and rules which it administers.'' (citation and internal quotation marks omitted)); *Nat'l Org. of Veterans' Advocates* v. *Sec'y of Veterans Affairs,* 260 F.3d 1365, 1375 (Fed. Cir. 2001) (Rule that clarifies interpretation of a statute is interpretive.); *Bachow Commc'ns Inc.* v. *FCC,* 237 F.3d 683, 690 (D.C. Cir. 2001) (Rules governing an application process are procedural under the Administrative Procedure Act.); *Inova Alexandria Hosp.* v. *Shalala,* 244 F.3d 342, 350 (4th Cir. 2001) (Rules for handling appeals were procedural where they did not change the substantive standard for reviewing claims.).

Accordingly, prior notice and opportunity for public comment for the changes in this rulemaking are not required pursuant to 5 U.S.C. 553(b) or (c), or any other law. *See Perez,* 135 S. Ct. at 1206 (Notice-and-comment procedures are required neither when an agency ''issue[s] an initial interpretive rule'' nor ''when it amends or repeals that interpretive rule.''); *Cooper Techs. Co.* v. *Dudas,* 536 F.3d 1330, 1336–37 (Fed. Cir. 2008) (stating that 5 U.S.C. 553, and thus 35 U.S.C. 2(b)(2)(B), does not require notice and comment rulemaking for ''interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice'' (quoting 5 U.S.C. 553(b)(A))). However, the Office has chosen to seek public comment before implementing the rule to benefit from the public's input.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), whenever an agency is required by 5 U.S.C. 553 (or any other law) to publish a notice of proposed rulemaking (NPRM), the agency must prepare and make available for public comment an Initial Regulatory Flexibility Analysis, unless the agency certifies under 5 U.S.C. 605(b) that the proposed rule, if implemented, will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 603, 605.

For the reasons set forth herein, the Senior Counsel for Regulatory and Legislative Affairs of the United States Patent and Trademark Office has certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities. *See* 5 U.S.C. 605(b).

This proposed rule would amend the regulations to require that applications filed under section 1 or section 44 of the Trademark Act (Act), 15 U.S.C. 1051, 1126, and all submissions regarding an application or registration under section 1, section 44 and section 66(a), be filed electronically. The proposed rule will also require that applicants and registrants maintain a valid email correspondence address and continue to receive communications from the Office by email. The proposed rule will apply to all applicants and registrants unless acceptance of a submission filed on paper or a waiver of the proposed requirements is granted on petition, the applicant/registrant is a national of a country to which the requirements will not apply, or the requirement to file electronically is otherwise excepted, as for certain types of specimens. Applicants for a trademark are not industry specific and may consist of individuals, small businesses, non-profit organizations, and large corporations. The USPTO does not collect or maintain statistics on small- versus large-entity applicants, and this information would be required in order to determine the number of small entities that would be affected by the proposed rule.

The burdens to all entities, including small entities, imposed by these rule changes will be minor procedural requirements on parties submitting applications or documents and communications in connection with an application or registration. The vast majority of users already file and prosecute applications electronically in response to previous initiatives to increase end-to-end electronic processing. For example, the USPTO amended its rules to encourage electronic filing through TEAS and email communication by establishing the TEAS Plus and TEAS RF filing options for applications that are based on section 1 and/or section 44. *See* 37 CFR 2.6. These filing options have lower application fees than a regular TEAS application, but they require the applicant to (1) provide, authorize, and maintain an email address for receiving USPTO correspondence regarding the application and (2) file certain application-related submissions through TEAS. *See* 37 CFR 2.22, 2.23. If the applicant does not fulfill these requirements, the applicant must pay an additional processing fee. *See* 37 CFR 2.6, 2.22, 2.23. Despite these additional requirements, and the potential additional processing fee for noncompliance, the TEAS RF filing option is now the most popular filing option among USPTO customers, followed by TEAS Plus. These two filing options currently account for approximately 97% of all trademark applications filed under section 1 and/or section 44, and more than 99% of trademark applications under section 1 and/or section 44 in total are now filed electronically through TEAS, suggesting that most applicants are comfortable with filing and communicating with the USPTO electronically.

Furthermore, in January 2017, the USPTO revised its rules to (1) increase fees for paper filings to bring the fees nearer to the cost of processing the filings and encourage customers to use lower-cost electronic options and (2) require that all submissions to the TTAB be filed through ESTTA. As a result of these rule changes, the USPTO is now processing approximately 87% of applications filed under section 1 and/or section 44 electronically end to end.

The proposed changes do not impose any additional economic burden unless the applicant or registrant fails to file electronically. In such cases, the economic burden to the applicant or registrant would be the higher paper fee for the submission (if a fee is required) and the fee for the petition seeking acceptance of a submission filed on paper or a waiver of the requirement to file electronically. However, as mentioned above, since the vast majority of current users already file and prosecute applications electronically, the economic impact of filing on paper is expected to be small. Moreover, this proposed rule will lead to a greater adoption of lower filing-fee options and therefore outweigh any cost burdens and likely save applicants and registrants money. For these reasons, this rule is not expected to have a significant economic impact on a substantial number of small entities.

C. Executive Order 12866 (Regulatory Planning and Review)

This rulemaking has been determined to be not significant for purposes of Executive Order 12866.

D. Executive Order 13563 (Improving Regulation and Regulatory Review)

The Office has complied with Executive Order 13563. Specifically, the Office has, to the extent feasible and applicable: (1) Made a reasoned determination that the benefits justify the costs of the rule; (2) tailored the rule to impose the least burden on society consistent with obtaining the regulatory objectives; (3) selected a regulatory approach that maximizes net benefits; (4) specified performance objectives; (5) identified and assessed available alternatives; (6) involved the public in an open exchange of information and perspectives among experts in relevant disciplines, affected stakeholders in the private sector and the public as a whole, and provided on-line access to the rulemaking docket; (7) attempted to promote coordination, simplification, and harmonization across government agencies and identified goals designed to promote innovation; (8) considered approaches that reduce burdens and maintain flexibility and freedom of choice for the public; and (9) ensured the objectivity of scientific and technological information and processes.

E. Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs)

This proposed rule is not expected to be an Executive Order 13771 regulatory action because this proposed rule is not significant under Executive Order 12866.

F. Executive Order 13132 (Federalism)

This rulemaking does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (Aug. 4, 1999).

G. Executive Order 13175 (Tribal Consultation)

This rulemaking will not: (1) Have substantial direct effects on one or more Indian tribes; (2) impose substantial direct compliance costs on Indian tribal governments; or (3) preempt tribal law. Therefore, a tribal summary impact statement is not required under Executive Order 13175 (Nov. 6, 2000).

H. Executive Order 13211 (Energy Effects)

This rulemaking is not a significant energy action under Executive Order 13211 because this rulemaking is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required under Executive Order 13211 (May 18, 2001).

I. Executive Order 12988 (Civil Justice Reform)

This rulemaking meets applicable standards to minimize litigation, eliminate ambiguity, and reduce burden as set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Feb. 5, 1996).

J. Executive Order 13045 (Protection of Children)

This rulemaking does not concern an environmental risk to health or safety that may disproportionately affect children under Executive Order 13045 (Apr. 21, 1997).

K. Executive Order 12630 (Taking of Private Property)

This rulemaking will not affect a taking of private property or otherwise have taking implications under Executive Order 12630 (Mar. 15, 1988).

L. Congressional Review Act

Under the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*), prior to issuing any final rule, the USPTO will submit a report containing the final rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the Government Accountability Office. The changes in this notice are not expected to result in an annual effect on the economy of 100 million dollars or more, a major increase in costs or prices, or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. Therefore, this notice is not expected to result in a ''major rule'' as defined in 5 U.S.C. 804(2).

M. Unfunded Mandates Reform Act of 1995

The changes set forth in this notice do not involve a Federal intergovernmental mandate that will result in the expenditure by State, local, and tribal governments, in the aggregate, of 100 million dollars (as adjusted) or more in any one year, or a Federal private sector mandate that will result in the expenditure by the private sector of 100 million dollars (as adjusted) or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995. *See* 2 U.S.C. 1501 *et seq.*

N. National Environmental Policy Act

This rulemaking will not have any effect on the quality of the environment and is thus categorically excluded from review under the National Environmental Policy Act of 1969. *See* 42 U.S.C. 4321 *et seq.*

O. National Technology Transfer and Advancement Act

The requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) are not applicable because this rulemaking does not contain provisions that involve the use of technical standards.

P. Paperwork Reduction Act

This rulemaking involves information collection requirements that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The collection of information involved in this rule has been reviewed and previously approved by OMB under control numbers 0651–0009, 0651–0050, 0651–0051, 0651–0054, 0651–0055, 0651–0056, and 0651–0061.

You may send comments regarding the collections of information associated with this rule, including suggestions for reducing the burden, to (1) The Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10202, 725 17th Street NW, Washington, DC 20503, Attention: Nicholas A. Fraser, the Desk Officer for the United States Patent and Trademark Office; and (2) The Commissioner for Trademarks, by mail to P.O. Box 1451, Alexandria, VA 22313–1451, attention Catherine Cain; by hand delivery to the Trademark Assistance Center, Concourse Level, James Madison Building-East Wing, 600 Dulany Street, Alexandria, VA 22314, attention Catherine Cain; or by electronic mail message via the Federal eRulemaking Portal. All comments submitted directly to the USPTO or provided on the Federal eRulemaking Portal should include the docket number (PTO–T–2017–0004).

Notwithstanding any other provision of law, no person is 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 currently valid OMB control number.

List of Subjects

37 CFR Part 2

Administrative practice and procedure, Trademarks.

37 CFR Part 7

Administrative practice and procedure, International registration, Trademarks.

For the reasons stated in the preamble and under the authority contained in 15 U.S.C. 1123 and 35 U.S.C. 2, as amended, the Office proposes to amend parts 2 and 7 of title 37 as follows:

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

■ 1. The authority citation for 37 CFR part 2 continues to read as follows:

Authority: 15 U.S.C. 1113, 15 U.S.C. 1123, 35 U.S.C. 2, Section 10 of Pub. L. 112–29, unless otherwise noted.

■ 2. Amend § 2.2 by revising paragraphs (e), (f), and (g) and by adding paragraphs (o) through (r) to read as follows:

§ 2.2 Definitions.

* * * * *

(e) The term *Office* or abbreviation *USPTO* means the United States Patent and Trademark Office.

(f) The acronym *TEAS* means the Trademark Electronic Application System and, as used in this part, includes all related electronic systems required to complete an electronic submission through TEAS.

(g) The acronym *ESTTA* means the Electronic System for Trademark Trials and Appeals and, as used in this part, includes all related electronic systems required to complete an electronic submission through ESTTA.

* * * * *

(o) The acronym *ETAS* means the Electronic Trademark Assignment System and, as used in this part, includes all related electronic systems required to complete an electronic submission through ETAS.

(p) *Eastern Time* means Eastern Standard Time or Eastern Daylight Time, as appropriate.

(q) The term *electronic submission* as used in this part refers to any submission made through an electronic filing system available on the Office's website, but not through email or facsimile transmission.

(r) The abbreviation *USPS* as used in this part means the U.S. Postal Service.

■ 3. Amend § 2.6 by revising paragraphs (a)(1)(ii) through (v) to read as follows:

§ 2.6 Trademark fees.

(a) * * *

(1) * * *

(ii) For filing an application under section 66(a) of the Act, per class—$400.00

(iii) For filing a TEAS Standard application, per class—$275.00

(iv) For filing a TEAS Plus application under § 2.22, per class—$225.00

(v) Additional processing fee under § 2.22(c), per class—$125.00

* * * * *

■ 4. Amend § 2.17 by revising paragraph (d) to read as follows:

§ 2.17 Recognition for representation.

* * * * *

(d) *Power of attorney relating to multiple applications or registrations.* The owner of an application or registration may appoint a practitioner(s) qualified to practice under § 11.14 of this chapter to represent the owner for all existing applications or registrations that have the identical owner name.

* * * * *

■ 5. Revise § 2.18 to read as follows:

§ 2.18 Correspondence, with whom held.

(a) *Establishing the correspondence address.* The Office will send correspondence as follows:

(1) If the applicant, registrant, or party to a proceeding is not represented by a practitioner qualified to practice before the Office under § 11.14 of this chapter, the Office will send correspondence to the applicant, registrant, or party to the proceeding.

(2) If a power of attorney that meets the requirements of § 2.17(c) is filed, the Office will send correspondence to the qualified practitioner designated in the power. Or, if, pursuant to § 2.17(b)(1)(ii) or (g), a practitioner qualified under § 11.14 of this chapter submits a document(s) on behalf of an applicant, registrant, or party to a proceeding who is not already represented by another qualified practitioner from a different firm, the Office will send correspondence to the practitioner submitting the documents. Once the Office has recognized a practitioner qualified under § 11.14 of this chapter as the representative of the applicant, registrant, or party to a proceeding, the Office will communicate and conduct business only with that practitioner, or with another qualified practitioner from the same firm. A request to change the correspondence address does not revoke a power of attorney. Except for service of a cancellation petition, the Office will not conduct business directly with the applicant, registrant, or a party to a proceeding, or with another practitioner from a different firm, unless:

(i) The applicant or registrant files a revocation of the power of attorney under § 2.19(a) and/or a new power of attorney that meets the requirements of § 2.17(c); or

(ii) The practitioner has been suspended or excluded from practicing in trademark matters before the USPTO.

(b) *Ex parte matters.* Only one correspondence address may be designated in an ex parte matter.

(c) *Changing the owner and correspondence addresses.* The applicant, registrant, or party to a proceeding must maintain current and accurate postal and email addresses for itself and its qualified practitioner, if one is designated. If any of these addresses change, a request to change the address, signed in accordance with § 2.193(e)(9), must be promptly filed.

(d) *Post registration filings under sections 7, 8, 9, 12(c), 15, and 71.* Even if there is no new power of attorney or written request to change the correspondence address, the Office will change the correspondence address upon the examination of an affidavit under section 8, 12(c), 15, or 71 of the Trademark Act, renewal application under section 9 of the Act, or request for amendment or correction under section 7 of the Act, if a new address is provided, in accordance with paragraph (a) of this section.

■ 6. Revise § 2.21 to read as follows:

§ 2.21 Requirements for receiving a filing date.

(a) The Office will grant a filing date to an application under section 1 or section 44 of the Act that is filed through TEAS, is written in the English language, and contains all of the following:

(1) The name, postal address, and email address of each applicant;

(2) If the applicant is represented by a practitioner qualified under § 11.14 of this chapter, the practitioner's name, postal address, and email address;

(3) A clear drawing of the mark;

(4) A listing of the goods or services; and

(5) The filing fee required under § 2.6 for at least one class of goods or services.

(b) If the applicant does not satisfy all the elements required in paragraph (a) of this section, the Office will deny a filing date to the application unless the applicant meets the requirements of paragraph (c) of this section.

(c) If the applicant is a national of a country that has acceded to the Trademark Law Treaty, but not to the Singapore Treaty on the Law of Trademarks, the requirements of paragraph (a) of this section to file through TEAS and provide an email address do not apply.

■ 7. Revise § 2.22 to read as follows:

§ 2.22 Requirements for a TEAS Plus application.

(a) A trademark/service mark application for registration on the Principal Register under section 1 and/or section 44 of the Act that meets the requirements for a filing date under § 2.21 will be entitled to a reduced filing fee under § 2.6(a)(1)(iv) if it includes:

(1) The applicant's legal entity;

(2) The citizenship of each individual applicant, or the state or country of incorporation or organization of each juristic applicant;

(3) If the applicant is a partnership, the names and citizenship of the applicant's general partners;

(4) One or more bases for filing that satisfy all the requirements of § 2.34. If more than one basis is set forth, the applicant must comply with the requirements of § 2.34 for each asserted basis;

(5) Correctly classified goods and/or services, with an identification of goods and/or services from the Office's Acceptable Identification of Goods and Services Manual, available through the TEAS Plus form. In an application based on section 44 of the Act, the scope of the goods and/or services covered by the section 44 basis may not exceed the scope of the goods and/or services in the foreign application or registration;

(6) If the application contains goods and/or services in more than one class, compliance with § 2.86;

(7) A filing fee for each class of goods and/or services, as required by § 2.6(a)(1)(iv);

(8) A verified statement that meets the requirements of § 2.33, dated and signed by a person properly authorized to sign on behalf of the owner pursuant to § 2.193(e)(1);

(9) If the applicant does not claim standard characters, the applicant must attach a digitized image of the mark. If the mark includes color, the drawing must show the mark in color;

(10) If the mark is in standard characters, a mark comprised only of characters in the Office's standard character set, typed in the appropriate field of the TEAS Plus form;

(11) If the mark includes color, a statement naming the color(s) and describing where the color(s) appears on the mark, and a claim that the color(s) is a feature of the mark;

(12) If the mark is not in standard characters, a description of the mark;

(13) If the mark includes non-English wording, an English translation of that wording;

(14) If the mark includes non-Latin characters, a transliteration of those characters;

(15) If the mark includes an individual's name or portrait, either:

(i) A statement that identifies the living individual whose name or likeness the mark comprises and written consent of the individual; or

(ii) A statement that the name or portrait does not identify a living individual (*see* section 2(c) of the Act).

(16) If the applicant owns one or more registrations for the same mark, and the owner(s) last listed in Office records of the prior registration(s) for the same mark differs from the owner(s) listed in the application, a claim of ownership of the registration(s) identified by the registration number(s), pursuant to § 2.36; and

(17) If the application is a concurrent use application, compliance with § 2.42.

(b) In addition to the filing requirements under paragraph (a) of this section, the applicant must comply with § 2.23(a) and (b).

(c) If an application does not fulfill the requirements of paragraph (a) of this section, the applicant must pay the processing fee required by § 2.6(a)(1)(v).

(d) The following types of applications cannot be filed as TEAS Plus applications:

(1) Applications for certification marks (*see* § 2.45);

(2) Applications for collective trademarks and service marks (*see* § 2.44);

(3) Applications for collective membership marks (*see* § 2.44); and

(4) Applications for registration on the Supplemental Register (*see* § 2.47).

■ 8. Revise § 2.23 to read as follows:

§ 2.23 Requirements to correspond electronically with the Office and duty to monitor status.

(a) Unless stated otherwise in this chapter, all trademark correspondence must be submitted through TEAS.

(b) Applicants, registrants, and parties to a proceeding must provide and maintain a valid email address for correspondence.

(c) If the applicant or registrant is a national of a country that has acceded to the Trademark Law Treaty, but not to the Singapore Treaty on the Law of Trademarks, the requirements of paragraphs (a) and (b) of this section do not apply.

(d) Notices issued or actions taken by the USPTO are displayed in the USPTO's electronic systems. Applicants and registrants are responsible for monitoring the status of their applications and registrations in the USPTO's electronic systems during the following time periods:

(1) At least every six months between the filing date of the application and issuance of a registration; and

(2) After filing an affidavit of use or excusable nonuse under section 8 or section 71 of the Trademark Act, or a renewal application under section 9 of the Act, at least every six months until the registrant receives notice that the affidavit or renewal application has been accepted.

■ 9. Revise § 2.24 to read as follows:

§ 2.24 Designation and revocation of domestic representative by foreign applicant.

(a) An applicant or registrant that is not domiciled in the United States may designate a domestic representative (*i.e.,* a person residing in the United States on whom notices or process in proceedings affecting the mark may be served).

(b) The designation, or a request to change or revoke a designation, must set forth the name, email address, and postal address of the domestic representative and be signed pursuant to § 2.193(e)(8).

(c) The mere designation of a domestic representative does not authorize the person designated to represent the applicant or registrant.

■ 10. Amend § 2.32 by revising paragraphs (a)(2) and (4) and (d) to read as follows:

§ 2.32 Requirements for a complete trademark or service mark application.

(a) * * *

(2) The name, postal address, and email address of each applicant. If the applicant or registrant is a national of a country that has acceded to the Trademark Law Treaty, but not to the Singapore Treaty on the Law of Trademarks, the requirement to provide an email address does not apply;

* * * * *

(4) If the applicant is represented by a practitioner qualified under § 11.14 of this chapter, the practitioner's name, postal address, and email address;

* * * * *

(d) The application must include the fee required by § 2.6 for each class of goods or services.

* * * * *

■ 11. Amend § 2.56 by revising paragraphs (a) and (d) to read as follows:

§ 2.56 Specimens.

(a) An application under section 1(a) of the Act, an amendment to allege use under § 2.76, or a statement of use under § 2.88 must include one specimen per class showing the mark as used on or in connection with the goods or services identified. When requested by the Office as reasonably necessary to proper

examination, additional specimens must be provided.

* * * * *

(d) The specimen must be submitted through TEAS in a file format designated as acceptable by the Office, unless:

(1) The mark consists of a scent, flavor, or similar non-traditional mark type, in which case the specimen may be mailed to the Office, pursuant to § 2.190(a), without resort to the procedures set forth in § 2.147; or

(2) Submission on paper is permitted under § 2.23(c) or is accepted on petition pursuant to § 2.147.

■ 12. Revise § 2.62 to read as follows:

§ 2.62 Procedure for submitting response.

(a) *Deadline.* The applicant's response to an Office action must be received by the USPTO within six months from the issue date.

(b) *Signature.* The response must be signed by the applicant, someone with legal authority to bind the applicant (*e.g.,* a corporate officer or general partner of a partnership), or a practitioner qualified to practice under § 11.14 of this chapter, in accordance with the requirements of § 2.193(e)(2).

(c) *Form.* Pursuant to § 2.23(a), responses must be submitted through TEAS. Responses sent via email or facsimile will not be accorded a date of receipt.

■ 13. Amend § 2.111 by revising paragraph (c)(2) to read as follows:

§ 2.111 Filing petition for cancellation.

* * * * *

(c) * * *

(2)(i) In the event that ESTTA is unavailable due to technical problems, or when extraordinary circumstances are present, a petition to cancel may be filed in paper form. A paper petition to cancel a registration must be accompanied by a Petition to the Director under § 2.146, with the fees therefor and the showing required under this paragraph (c). Timeliness of the paper submission, if relevant to a ground asserted in the petition to cancel, will be determined in accordance with §§ 2.195 through 2.198.

(ii) For a petition to cancel a registration on the fifth year anniversary of the date of registration of the mark, a petitioner for cancellation who meets the requirements of § 2.147(b) may submit a petition to the Director to accept a timely filed paper petition to cancel.

* * * * *

■ 14. Amend § 2.146 by revising paragraph (a) to read as follows:

§ 2.146 Petitions to the Director.

(a) Petition may be taken to the Director in a trademark case:

(1) From any repeated or final formal requirement of the examiner in the ex parte prosecution of an application if permitted by § 2.63(a) and (b);

(2) In any case for which the Act of 1946, Title 35 of the United States Code, or parts 2, 3, 6, and 7 of Title 37 of the Code of Federal Regulations specifies that the matter is to be determined directly or reviewed by the Director;

(3) To invoke the supervisory authority of the Director in appropriate circumstances;

(4) In any case not specifically defined and provided for by parts 2, 3, 6, and 7 of Title 37 of the Code of Federal Regulations; or

(5) In an extraordinary situation, when justice requires and no other party is injured thereby, to request a suspension or waiver of any requirement of the rules not being a requirement of the Act of 1946.

* * * * *

■ 15. Add § 2.147 to read as follows:

§ 2.147 Petition to the Director to accept a paper submission.

(a) *Paper submission when TEAS is unavailable on the date of a filing deadline.* (1) An applicant or registrant may file a petition to the Director under this section requesting acceptance of a submission filed on paper if:

(i) TEAS is unavailable on the date of the deadline for the submission specified in a regulation in part 2 or 7 of this chapter or in a section of the Act; and

(ii) The petition is timely filed, pursuant to § 2.197 or § 2.198, on the date of the deadline.

(2) The petition must include:

(i) The paper submission;

(ii) Proof that TEAS was unavailable on the date of the deadline;

(iii) A statement of the facts relevant to the petition, supported by a declaration under § 2.20 or 28 U.S.C. 1746 that is signed by the petitioner, someone with legal authority to bind the petitioner (*e.g.,* a corporate officer or general partner of a partnership), or a practitioner qualified to practice under § 11.14 of this chapter;

(iv) The fee for a petition filed on paper under § 2.6(a)(15)(i); and

(v) Any other required fee(s) under § 2.6 for the paper submission.

(b) *Certain paper submissions timely filed before the date of a filing deadline.* (1) An applicant, registrant, or petitioner for cancellation may file a petition to the Director under this section, requesting acceptance of any of the following submissions that was timely submitted on paper and otherwise met the minimum filing requirements, but not examined by the Office because it was not submitted electronically pursuant to § 2.21(a), § 2.23(a), or § 2.111(c), and the applicant, registrant, or petitioner for cancellation is unable to timely resubmit the document electronically by the deadline:

(i) An application seeking a priority filing date with a deadline under section 44(d)(1) of the Act;

(ii) A statement of use filed within the last six months of the period specified in section 1(d)(2) of the Act;

(iii) An affidavit or declaration of continued use or excusable nonuse with a deadline under section 8(a)(3) or section 71(a)(3) of the Act;

(iv) A request for renewal of a registration with a deadline under section 9(a) of the Act;

(v) An application for transformation of an extension of protection into a United States application with a deadline under section 70 of the Act; or

(vi) A petition to cancel a registration under section 14 of the Act on the fifth year anniversary of the date of the registration of the mark.

(2) The petition must be filed by not later than two months after the issue date of the notice denying acceptance of the paper filing and must include:

(i) A statement of the facts relevant to the petition, supported by a declaration under § 2.20 or 28 U.S.C. 1746 that is signed by the petitioner, someone with legal authority to bind the petitioner (*e.g.,* a corporate officer or general partner of a partnership), or a practitioner qualified to practice under § 11.14 of this chapter;

(ii) Proof that a sufficient fee accompanied the original paper submission;

(iii) The required fee(s) under § 2.6 for the paper submission; and

(iv) The relevant petition fee under § 2.6(a)(15).

(c) *Petition under § 2.146.* If the applicant or registrant is unable to meet the requirements under paragraphs (a) or (b) of this section for filing the petition, the applicant or registrant may submit a petition to the Director under § 2.146(a)(5) to request a waiver of § 2.21(a) or § 2.23(a).

(d) This section does not apply to requirements for paper submissions to the Trademark Trial and Appeal Board except as specified in paragraph (b)(vi).

■ 16. Revise § 2.148 to read as follows:

§ 2.148 Director may suspend certain rules.

In an extraordinary situation, when justice requires and no other party is injured thereby, any requirement of the

rules in parts 2, 3, 6, and 7 of this chapter that is not a requirement of the Act may be suspended or waived by the Director.

■ 17. Revise § 2.151 to read as follows:

§ 2.151 Certificate.

When the Office determines that a mark is registrable, the Office will issue to the owner a certificate of registration on the Principal Register or the Supplemental Register. The certificate will state the application filing date, the act under which the mark is registered, the date of issue, and the number of the registration and will include a reproduction of the mark and pertinent data from the application. A notice of the requirements of sections 8 and 71 of the Act will issue with the certificate.

■ 18. Revise § 2.162 to read as follows:

§ 2.162 Notice to registrant.

When a certificate of registration is originally issued, the Office issues with the certificate a notice of the requirement for filing the affidavit or declaration of use or excusable nonuse under section 8 of the Act. However, the affidavit or declaration must be filed within the time period required by section 8 of the Act even if this notice is not received.

■ 19. Revise § 2.190 to read as follows:

§ 2.190 Addresses for trademark correspondence with the United States Patent and Trademark Office.

(a) *Paper trademark documents.* In general, trademark documents to be delivered by the USPS must be addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313–1451. Trademark-related documents to be delivered by hand, private courier, or other delivery service may be delivered during the hours the Office is open to receive correspondence to the Trademark Assistance Center, James Madison Building—East Wing, Concourse Level, 600 Dulany Street, Alexandria, Virginia 22314.

(b) *Electronic trademark documents.* Trademark documents filed electronically must be submitted through TEAS. Documents that relate to proceedings before the Trademark Trial and Appeal Board must be filed electronically with the Board through ESTTA.

(c) *Trademark assignment documents.* Requests to record documents in the Assignment Recordation Branch may be filed electronically through ETAS. Paper documents and cover sheets to be recorded in the Assignment Recordation Branch should be addressed as designated in § 3.27 of this chapter.

(d) *Requests for certified copies of trademark documents.* Paper requests for certified copies of trademark documents should be addressed to: Mail Stop Document Services, Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313–1450.

(e) *Certain documents relating to international applications and registrations.* International applications under § 7.11, subsequent designations under § 7.21, responses to notices of irregularity under § 7.14, requests to record changes in the International Register under § 7.23 and § 7.24, requests to note replacements under § 7.28, requests for transformation under § 7.31 of this chapter, and petitions to the Director to review an action of the Office's Madrid Processing Unit must be addressed to: Madrid Processing Unit, 600 Dulany Street, Alexandria, VA 22314–5796.

■ 20. Revise § 2.191 to read as follows:

§ 2.191 Action of the Office based on the written record.

All business with the Office must be transacted in writing. The action of the Office will be based exclusively on the written record. No consideration will be given to any alleged oral promise, stipulation, or understanding when there is disagreement or doubt.

■ 21. Amend § 2.193 by revising paragraphs (a)(2), (b), (c)(1), and (d), the introductory text of paragraph (e), (e)(10), and (g) to read as follows:

§ 2.193 Trademark correspondence and signature requirements.

(a) * * *

(2) An electronic signature that meets the requirements of paragraph (c) of this section, personally entered by the person named as the signatory. The Office will accept an electronic signature that meets the requirements of paragraph (c) of this section on correspondence filed on paper or through TEAS or ESTTA.

(b) *Copy of original signature.* If a copy of an original signature is filed, the filer should retain the original as evidence of authenticity. If a question of authenticity arises, the Office may require submission of the original.

(c) * * *

(1) Personally enter any combination of letters, numbers, spaces and/or punctuation marks that the signer has adopted as a signature, placed between two forward slash (''/'') symbols in the signature block on the electronic submission; or

* * * * *

(d) *Signatory must be identified.* The first and last name, and the title or position, of the person who signs a document in connection with a trademark application, registration, or proceeding before the Trademark Trial and Appeal Board must be set forth immediately below or adjacent to the signature.

(e) *Proper person to sign.* Documents filed in connection with a trademark application or registration must be signed as specified in paragraphs (e)(1) through (10) of this section:

* * * * *

(10) *Cover letters.* A person transmitting documents to the Office may sign a cover letter or transmittal letter. The Office neither requires cover letters nor questions the authority of a person who signs a communication that merely transmits documents.

* * * * *

(g) *Separate copies for separate files.* (1) Since each file must be complete in itself, a separate copy of every document filed in connection with a trademark application, registration, or inter partes proceeding must be furnished for each file to which the document pertains, even though the documents filed in multiple files may be identical.

(2) Parties should not file duplicate copies of documents in a single application, registration, or proceeding file, unless the Office requires the filing of duplicate copies.

* * * * *

■ 22. Revise § 2.195 to read as follows:

§ 2.195 Filing date of trademark correspondence.

The filing date of trademark correspondence is determined as follows:

(a) *Electronic submissions.* The filing date of an electronic submission is the date the Office receives the submission, based on Eastern Time, regardless of whether that date is a Saturday, Sunday, or Federal holiday within the District of Columbia.

(b) *Paper correspondence.* The filing date of a submission submitted on paper is the date the Office receives the submission, except as follows:

(1) *Priority Mail Express®.* The filing date of the submission is the date of deposit with the USPS, if filed pursuant to the requirements of § 2.198.

(2) *Certificate of mailing.* The filing date of the submission is the date of deposit with the USPS, if filed pursuant to the requirements of § 2.197.

(3) *Office closed.* The Office is not open to receive paper correspondence on any day that is a Saturday, Sunday, or Federal holiday within the District of Columbia.

(c) *Email and facsimile submissions.* Email and facsimile submissions are not

permitted and if submitted will not be accorded a date of receipt.

(d) *Interruptions in U.S. Postal Service.* If the Director designates a postal service interruption or emergency within the meaning of 35 U.S.C. 21(a), any person attempting to file correspondence by Priority Mail Express® Post Office to Addressee service who was unable to deposit the correspondence with the USPS due to the interruption or emergency may petition the Director to consider such correspondence as filed on a particular date in the Office. The petition must:

(1) Be filed promptly after the ending of the designated interruption or emergency;

(2) Include the original correspondence or a copy of the original correspondence; and

(3) Include a statement that the correspondence would have been deposited with the United States Postal Service on the requested filing date but for the designated interruption or emergency in Priority Mail Express® service; and that the correspondence attached to the petition is the original correspondence or a true copy of the correspondence originally attempted to be deposited as Priority Mail Express® on the requested filing date.

■ 23. Revise § 2.197 to read as follows:

§ 2.197 Certificate of mailing.

(a) The filing date of correspondence submitted under this section is the date of deposit with the USPS if the correspondence:

(1) Is addressed as set out in § 2.190 and deposited with the USPS with sufficient postage as first-class mail; and

(2) Includes a certificate of mailing for each piece of correspondence that:

(i) Attests to the mailing and the address used;

(ii) Includes the name of the document and the application serial number or USPTO reference number, if assigned, or registration number to which the document pertains;

(iii) Is signed separately from any signature for the correspondence by a person who has a reasonable basis to expect that the correspondence would be mailed on the date indicated; and

(iv) Sets forth the date of deposit with the USPS.

(b) If correspondence is mailed in accordance with paragraph (a) of this section, but not received by the Office, the party who mailed such correspondence may file a petition to the Director under § 2.146(a)(2) to consider such correspondence filed in the Office on the date of deposit with the USPS. The petition must:

(1) Be filed within two months after the date of mailing;

(2) Include a copy of the previously mailed correspondence and certificate; and

(3) Include a verified statement attesting to the facts of the original mailing.

(c) If the certificate of mailing does not meet the requirements of paragraph (a)(2) of this section, the filing date is the date the Office receives the submission.

■ 24. Revise § 2.198 to read as follows:

§ 2.198 Filing of correspondence by Priority Mail Express®.

(a) The filing date of correspondence submitted under this section is the date of deposit with the USPS, as shown by the ''date accepted'' on the Priority Mail Express® label or other official USPS notation.

(b) If the USPS deposit date cannot be determined, the filing date is the date the Office receives the submission.

(c) If there is a discrepancy between the filing date accorded by the Office to the correspondence and the ''date accepted,'' the party who submitted the correspondence may file a petition to the Director under § 2.146(a)(2) to accord the correspondence a filing date as of the ''date accepted.'' The petition must:

(1) Be filed within two months after the date of deposit;

(2) Include a true copy of the Priority Mail Express® mailing label showing the ''date accepted,'' and any other official notation by the USPS relied upon to show the date of deposit; and

(3) Include a verified statement attesting to the facts of the original mailing.

(d) If the party who submitted the correspondence can show that the ''date accepted'' was incorrectly entered or omitted by the USPS, the party may file a petition to the Director under § 2.146(a)(2) to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS. The petition must:

(1) Be filed within two months after the date of deposit;

(2) Include proof that the correspondence was deposited in the Priority Mail Express® Post Office to Addressee service prior to the last scheduled pickup on the requested filing date. Such proof must be corroborated by evidence from the USPS or evidence that came into being within one business day after the date of deposit; and

(3) Include a verified statement attesting to the facts of the original mailing.

(e) If correspondence is properly addressed to the Office pursuant to § 2.190 and deposited with sufficient postage in the Priority Mail Express® Post Office to Addressee service of the USPS, but not received by the Office, the party who submitted the correspondence may file a petition to the Director under § 2.146(a)(2) to consider such correspondence filed in the Office on the USPS deposit date. The petition must:

(1) Be filed within two months after the date of deposit;

(2) Include a copy of the previously mailed correspondence showing the number of the Priority Mail Express® mailing label thereon; and

(3) Include a verified statement attesting to the facts of the original mailing.

PART 7—RULES OF PRACTICE IN FILINGS PURSUANT TO THE PROTOCOL RELATING TO THE MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

■ 25. The authority citation for 37 CFR part 7 continues to read as follows:

Authority: 15 U.S.C. 1123, 35 U.S.C. 2, unless otherwise noted.

■ 26. Amend § 7.1 by revising paragraphs (c), (d), and (f) to read as follows:

§ 7.1 Definitions of terms as used in this part.

* * * * *

(c) The acronym *TEAS* means the Trademark Electronic Application System, and, as used in this part, includes all related electronic systems required to complete an electronic submission through TEAS.

(d) The term *Office* or the abbreviation *USPTO* means the United States Patent and Trademark Office.

* * * * *

(f) The definitions specified in § 2.2(k), (n), and (p) through (r) of this chapter apply to this part.

■ 27. Revise § 7.4 to read as follows:

§ 7.4 International applications and registrations originating from the USPTO—Requirements to electronically file and communicate with the Office.

(a) Unless stated otherwise in this chapter, all correspondence filed with the USPTO relating to international applications and registrations originating from the USPTO must be submitted through TEAS and include a valid email correspondence address.

(b) Applicants and registrants under this section must provide and maintain a valid email address for correspondence with the Office.

(c) If an applicant or registrant under this section is a national of a country

that has acceded to the Trademark Law Treaty, but not to the Singapore Treaty on the Law of Trademarks, the requirements of paragraphs (a) and (b) of this section do not apply.

(d) If TEAS is unavailable, or in an extraordinary situation, an applicant or registrant under this section who is required to file a submission through TEAS may submit a petition to the Director under § 2.146(a)(5) and (c) of this chapter to accept the submission filed on paper.

■ 28. Amend § 7.11 by revising the introductory text to paragraph (a), (a)(10), and (a)(11), and removing paragraph (a)(12) to read as follows:

§ 7.11 Requirements for international application originating from the United States.

(a) The Office will grant a date of receipt to an international application that is filed through TEAS in accordance with § 7.4(a), or typed on the official paper form issued by the International Bureau, if permitted under § 7.4(c) or accepted on petition pursuant to § 7.4(d). The international application must include all of the following:

* * * * *

(10) If the application is filed through TEAS, the international application fees for all classes, and the fees for all designated Contracting Parties identified in the international application (*see* § 7.7); and

(11) A statement that the applicant is entitled to file an international application in the Office, specifying that applicant: is a national of the United States; has a domicile in the United States; or has a real and effective industrial or commercial establishment in the United States. Where an applicant's address is not in the United States, the applicant must provide the address of its U.S. domicile or establishment.

* * * * *

■ 29. Amend § 7.21 by revising the introductory text to paragraph (b), (b)(7), and (b)(8), and removing paragraph (b)(9) to read as follows:

§ 7.21 Subsequent designation.

* * * * *

(b) The Office will grant a date of receipt to a subsequent designation that is filed through TEAS in accordance with § 7.4(a), or typed on the official paper form issued by the International Bureau, if permitted under § 7.4(c) or accepted on petition pursuant to § 7.4(d). The subsequent designation must contain all of the following:

* * * * *

(7) The U.S. transmittal fee required by § 7.6; and

(8) If the subsequent designation is filed through TEAS, the subsequent designation fees (*see* § 7.7).

* * * * *

■ 30. Amend § 7.25 by revising paragraph (a) to read as follows:

§ 7.25 Sections of part 2 applicable to extension of protection.

(a) Except for §§ 2.21, 2.22, 2.76, 2.88, 2.89, 2.130, 2.131, 2.160 through 2.166, 2.168, 2.173, 2.175, 2.181 through 2.186, 2.197, and 2.198, all sections in parts 2 and 11 of this chapter shall apply to an extension of protection of an international registration to the United States, including sections related to proceedings before the Trademark Trial and Appeal Board, unless otherwise stated.

* * * * *

Dated: May 21, 2018.

Andrei Iancu,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2018–11353 Filed 5–29–18; 8:45 am]

BILLING CODE 3510–16–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–R04–OAR–2017–0390; FRL–9978–59–Region 4]

Air Plan Approval and Air Quality Designation; KY; Redesignation of the Kentucky Portion of the Louisville Unclassifiable Area

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On May 4, 2018, the Commonwealth of Kentucky, through the Kentucky Energy and Environment Cabinet, Division for Air Quality (KDAQ), submitted a request for the Environmental Protection Agency (EPA) to redesignate the portion of Kentucky that is within the bi-state Louisville, KY-IN fine particulate matter ($PM_{2.5}$) unclassifiable area (hereinafter referred to as the ''bi-state Louisville Area'' or ''Area'') to unclassifiable/attainment for the 2012 primary annual $PM_{2.5}$ national ambient air quality standard (NAAQS). The bi-state Louisville Area consists of Jefferson County and a portion of Bullitt County in Kentucky as well as Clark and Floyd Counties in Indiana. EPA now has sufficient data to determine that the bi-state Louisville Area is in attainment of the 2012 primary annual $PM_{2.5}$ NAAQS. Therefore, EPA is proposing to approve Kentucky's request and redesignate the Area to unclassifiable/attainment for the 2012 primary annual $PM_{2.5}$ NAAQS based upon complete, quality-assured, and certified ambient air monitoring data showing that the $PM_{2.5}$ monitors in the bi-state Louisville Area are in compliance with the 2012 primary annual $PM_{2.5}$ NAAQS.

DATES: Comments must be received on or before June 29, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2017–0390 at *http://www.regulations.gov*. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets*.

FOR FURTHER INFORMATION CONTACT: Madolyn Sanchez, Air Regulatory Management Section, in the Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303–8960. Madolyn Sanchez may be reached by phone at (404) 562–9644 or via electronic mail at *sanchez.madolyn@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The Clean Air Act (CAA or Act) establishes a process for air quality management through the establishment and implementation of the NAAQS. After the promulgation of a new or revised NAAQS, EPA is required to designate areas, pursuant to section 107(d)(1) of the CAA, as attainment, nonattainment, or unclassifiable. On December 14, 2012, EPA revised the primary annual NAAQS for $PM_{2.5}$ at a level of 12 micrograms per cubic meter

(μg/m³), based on a 3-year average of annual mean $PM_{2.5}$ concentrations. *See* 78 FR 3085 (January 15, 2013). EPA established the standard based on significant evidence and numerous health studies demonstrating that serious health effects are associated with exposures to particulate matter.

The process for designating areas following promulgation of a new or revised NAAQS is contained in section 107(d)(1) of the CAA. On December 18, 2014, EPA designated the majority of areas across the country as nonattainment, unclassifiable/attainment, or unclassifiable [1] for the 2012 $PM_{2.5}$ NAAQS based upon air quality monitoring data from monitors for calendar years 2011–2013. *See* 80 FR 2206 (January 15, 2015). EPA's January 15, 2015, rulemaking also described a process by which EPA would evaluate any complete, quality-assured, certified air quality monitoring data from 2014 that a state submitted for consideration before February 27, 2015. EPA stated that it would evaluate whether, with the inclusion of certified 2014 data, the 3-year design value for 2012–2014 suggests that a change in the initial designation would be appropriate for an area. If EPA agreed that a change in the initial designation would be appropriate, EPA would withdraw the designation announced in the January 15, 2015, document for such area before the effective date and issue another designation reflecting the inclusion of 2014 data.

In a follow-up designation action published on April 7, 2015 (80 FR 18535), EPA designated five areas as unclassifiable/attainment in Georgia, including two neighboring counties in the bordering states of Alabama and South Carolina, that were initially deferred in EPA's January 15, 2015, rulemaking. In the same action, EPA changed the designations for one area in Ohio, two areas in Pennsylvania, and one bi-state area with portions in Kentucky and Ohio from nonattainment to unclassifiable/attainment. The bi-state Louisville Area was changed from nonattainment to unclassifiable.

EPA initially designated the bi-state Louisville Area as nonattainment in its January 15, 2015, rulemaking based on ambient air quality data collected from 2011–2013. In that time period, a monitor in Clark County, Indiana, showed a violation of the 2012 $PM_{2.5}$ NAAQS. Per its policy, EPA explained that it would change the designation for the Area if data showed that the monitor in Clark County, Indiana, met the 2012 $PM_{2.5}$ NAAQS for the design value period 2012–2014, and Indiana elected to early certify 2014 ambient air quality data. Indiana submitted complete, quality-assured, and certified 2014 data from the ambient air quality monitor in Clark County, Indiana, by the prescribed deadline of February 27, 2015, showing that the monitor was attaining the NAAQS. However, as noted in the final technical support document (TSD) for the Area included in the docket for the January 15, 2015, rulemaking,[2] EPA explained that because air quality data in the Jefferson County, Kentucky portion of the Area were invalid due to issues with the collection and analysis of $PM_{2.5}$ filter-based samples, EPA could only change the designation to unclassifiable. Therefore, EPA changed the designation of the Area from nonattainment to unclassifiable in the action published on April 15, 2015.

II. What are the criteria for redesignating an area from unclassifiable to unclassifiable/attainment?

Section 107(d)(3) of the CAA provides the framework for changing the area designations for any NAAQS pollutants. Section 107(d)(3)(A) provides that the Administrator may notify the Governor of any state that the designation of an area should be revised ''on the basis of air quality data, planning and control considerations, or any other air quality-related considerations the Administrator deems appropriate.'' The Act further provides in section 107(d)(3)(D) that even if the Administrator has not notified a state Governor that a designation should be revised, the Governor of any state may, on the Governor's own motion, submit a request to revise the designation of any area, and the Administrator must approve or deny the request.

When approving or denying a request to redesignate an area, EPA bases its decision on the air quality data for the area as well as the considerations under section 107(d)(3)(A).[3] In keeping with section 107(d)(1)(A), areas that are redesignated to unclassifiable/attainment must meet the requirements for attainment areas and thus must meet the relevant NAAQS. In addition, the area must not contribute to ambient air quality in a nearby area that does not meet the NAAQS. The relevant monitoring data must be collected and quality-assured in accordance with 40 CFR part 58 and recorded in the EPA Air Quality System (AQS) database. The designated monitors generally should have remained at the same location for the duration of the monitoring period.[4]

III. What is EPA's rationale for proposing to redesignate the area?

In order to redesignate the Area from unclassifiable to unclassifiable/attainment for the 2012 primary annual $PM_{2.5}$ NAAQS, the 3-year average of annual arithmetic mean concentrations (*i.e.,* design value) over the most recent 3-year period must be less than or equal to 12.0 μg/m³ at all monitoring sites in the Area over the full 3-year period, as determined in accordance with 40 CFR 50.18 and Appendix N of Part 50. EPA reviewed $PM_{2.5}$ monitoring data from monitoring stations in the bi-state Louisville Area for the 2012 primary annual $PM_{2.5}$ NAAQS for the 3-year period from 2014–2016. These data have been quality-assured, certified, and recorded in AQS by Kentucky and Indiana, and the monitoring locations have not changed during the monitoring period. As summarized in Table 1, the design values for all monitors in the Area for the 2014–2016 period are below the 2012 primary annual $PM_{2.5}$ NAAQS.

TABLE 1—2012 ANNUAL $PM_{2.5}$ DESIGN VALUES FOR MONITORS IN THE BI-STATE LOUISVILLE AREA FOR 2014–2016

County	Monitoring site	2014–2016 design value (μg/m³)
Clark County, IN	180190006	10.6
	180190008	8.7
Floyd County, IN	180431004	9.3

[1] For the initial PM area designations in 2014 (for the 2012 annual $PM_{2.5}$ NAAQS), EPA used a designation category of ''unclassifiable/attainment'' for areas that had monitors showing attainment of the standard and were not contributing to nearby violations and for areas that did not have monitors but for which EPA had reason to believe were likely attaining the standard and not contributing to nearby violations. EPA used the category ''unclassifiable'' for areas in which EPA could not determine, based upon available information, whether or not the NAAQS was being met and/or EPA had not determined the area to be contributing to nearby violations. EPA reserves the ''attainment'' category for when EPA redesignates a nonattainment area that has attained the relevant NAAQS and has an approved maintenance plan.

[2] Available in the January 15, 2015, rulemaking docket as document number EPA–HQ–OAR–2012–0918–0322.

[3] While CAA section 107(d)(3)(E) also lists specific requirements for redesignations, those requirements only apply to redesignations of nonattainment areas to attainment and therefore are not applicable in the context of a redesignation of an area from unclassifiable to unclassifiable/attainment.

[4] *See* Memorandum from John Calcagni, Director, EPA Air Quality Management Division, entitled ''Procedures for Processing Requests to Redesignate Areas to Attainment'' (September 4, 1992).

TABLE 1—2012 ANNUAL $PM_{2.5}$ DESIGN VALUES FOR MONITORS IN THE BI-STATE LOUISVILLE AREA FOR 2014–2016—Continued

County	Monitoring site	2014–2016 design value (μg/m³)
Jefferson County, KY	211110043	10.4
	211110051	10.3
	211110067	9.5
	211110075	10.4

Because the 3-year design values, based on complete, quality-assured data, demonstrate that the Area meets the 2012 primary annual $PM_{2.5}$ standard, EPA is proposing to redesignate the Kentucky portion of the Louisville Area from unclassifiable to unclassifiable/attainment for this NAAQS.[5]

IV. Proposed Action

EPA is proposing to approve Kentucky's May 4, 2018, request to redesignate the Kentucky portion of the bi-state Louisville Area from unclassifiable to unclassifiable/attainment for the 2012 primary annual $PM_{2.5}$ NAAQS. If finalized, approval of the redesignation request would change the legal designation, found at 40 CFR part 81, of the portion of Bullitt County located in the Area and Jefferson County, Kentucky, from unclassifiable to unclassifiable/attainment for the 2012 primary annual $PM_{2.5}$ NAAQS.

[5] The State of Indiana has not yet submitted a redesignation request for its portion of the Louisville Area.

V. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to unclassifiable/attainment is an action that affects the status of a geographical area and does not impose any additional regulatory requirements on sources beyond those imposed by state law. A redesignation to unclassifiable/attainment does not in and of itself create any new requirements. Accordingly, this proposed action merely proposes to redesignate an area to unclassifiable/attainment and does not impose additional requirements. For that reason, this proposed action:

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

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

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control.

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

Dated: May 15, 2018.

Onis ''Trey'' Glenn, III,

Regional Administrator, Region 4.

[FR Doc. 2018–11567 Filed 5–29–18; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 83, No. 104

Wednesday, May 30, 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

Request for Extension and Revision of a Currently Approved Information Collection; Correction

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comment; correction.

SUMMARY: This document contains a correction of a 60 day notice and request for comment for a currently approved information collection that was published in the April 9, 2018, **Federal Register**. The notice uses OMB control number 0580–0022, which has since been changed to OMB control number 0581–0306 due to the realignment of offices authorized by the Secretary's memorandum dated November 14, 2017. This Secretary's memorandum eliminated the Grain Inspection, Packers and Stockyard Administration as a standalone agency it is now organized under the Agricultural Marketing Service. This document corrects the notice by updating the OMB control number.

DATES: The document published on April 9, 2018 (83 FR 15125), is corrected as of May 30, 2018.

FOR FURTHER INFORMATION CONTACT: Candace A. Hildreth, Compliance Officer, at (202) 720–0203.

SUPPLEMENTARY INFORMATION: In FR Doc. 2018–07211 appearing in the **Federal Register** of Monday, April 9, 2018 [83 FR 15125], the following correction is made:

On page 15126, in the first column, the OMB Number should state: 0581–0306.

Dated: May 24, 2018.

Greg Ibach,

Under Secretary, Marketing and Regulatory Programs.

[FR Doc. 2018–11533 Filed 5–29–18; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

May 24, 2018.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by June 29, 2018 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: The Integrity Program (TIP) Data Collection.

OMB Control Number: 0584–0401.

Summary of Collection: This is a request for extension, without revision, to an existing collection. The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) regulations at 7 CFR 246.12(j)(5), require State agencies to report annually on their vendor monitoring efforts. The data collected is used by States agencies as a management tool and at the national level to provide Congress, senior FNS officials, as well as the general public, assurances that every reasonable effort is being made to ensure integrity in the WIC Program.

Need and Use of the Information: The Food and Nutrition Service (FNS) will collect information using forms FNS 698, Profile of Integrity Practices and Procedures; FNS 699, the Integrity Profile Report Form; and FNS 700, TIP Data Entry Form. The collected information from the forms will be analyzed and a report is prepared by FNS annually that (1) assesses State agency progress in eliminating abusive vendors, (2) assesses the level of activity that is being directed to ensure program integrity, and (3) analyzes trends over a 5-year period. The information is used at the national level in formulating program policy and regulations. At the FNS regional office level, the data is reviewed to identify possible vendor management deficiencies so that technical assistance can be provided to States, as needed. Without the information, FNS would not have timely and accurate data needed to identify and correct State agency vendor management and monitoring deficiencies and to implement corrective actions.

Description of Respondents: State, Local or Tribal Government.

Number of Respondents: 90.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 38.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2018–11512 Filed 5–29–18; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2018–0036]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Pale Cyst Nematode

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the regulations for the interstate movement of regulated articles to prevent the spread of the pale cyst nematode to noninfested areas of the United States.

DATES: We will consider all comments that we receive on or before July 30, 2018.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2018-0036.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2018–0036, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2018-0036* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the interstate movement of regulated articles to prevent the spread of pale cyst nematode, contact Mr. Jonathon Jones, National Policy Manager, Plan Health Programs, Plant Protection and Quarantine, APHIS, 4700 River Road, Unit 160, Riverdale, MD 20737 or at 301–851–2128. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at 301–851–2483.

SUPPLEMENTARY INFORMATION:

Title: Pale Cyst Nematode.

OMB Control Number: 0579–0322.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: The Plant Protection Act (7 U.S.C 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plants pests into the United States or their dissemination within the United States.

In accordance with the regulations in ''Subpart-Pale Cyst Nematode'' (7 CFR 301.86 through 301.86–9), the Animal and Plant Health Inspection Service of U.S. Department of Agriculture restricts the interstate movement of certain articles to help prevent the spread of pale cyst nematode, a major pest of potato crops in cool-temperature areas, via potatoes, soil, and other host material to noninfested areas of the United States. The regulations involve information collection activities such as certificates, permits, appeals, compliance agreements, self-certifications, packing facility process approvals, and labeling.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of Burden: The public burden for this collection of information is estimated to average 0.12 hours per response.

Respondents: U.S. potato producers, packers, processors, and handlers.

Estimated Annual number of Respondents: 119.

Estimated Annual number of Responses per Respondent: 31.

Estimated Annual number of Responses: 3,725.

Estimated Total Annual Burden on Respondents: 445 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 23rd day of May 2018.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2018–11532 Filed 5–29–18; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities; Comments Requested: USDA National Hunger Clearinghouse Database Form (FNS 543)

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This is a revision of a currently approved information collection from organizations fighting hunger and poverty.

DATES: Written comments must be received on or before July 30, 2018.

ADDRESSES:

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection

techniques or other forms of information technology.

Comments may be sent to: Celeste Perkins, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 941, Alexandria, VA 22302. Comments may also be submitted via fax to the attention of Celeste Perkins at 703–305–2012 or via email to *Celeste.Perkins@fns.usda.gov.* Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov,* and follow the online instructions for submitting comments electronically. Comments will also be accepted through the Federal eRulemaking Portal.

All written comments will be open for public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m. Monday through Friday) at 3101 Park Center Drive, Room 941, Alexandria, Virginia 22302.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Celeste Perkins at 703–305–2012.

SUPPLEMENTARY INFORMATION:

Title: USDA National Hunger Clearinghouse Database Form.

Form Number: FNS–543.

OMB Number: 0584–0474.

Expiration Date: 10/31/2018.

Type of Request: Revised Collection.

Abstract: Section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) (the Act), which was added to the Act by section 123 of Public Law 103–448 on November 2, 1994, mandated that FNS enter into a contract with a non-governmental organization to establish and maintain an information clearinghouse (named ''USDA National Hunger Clearinghouse'' or ''Clearinghouse'') for groups that assist low-income individuals or communities regarding nutrition assistance programs or other assistance. Section 26(d) of this Act was amended again by Public Law 113–79 on February 7, 2014 to extend funding for the Clearinghouse through fiscal year 2015 for $250,000. FNS awarded this contract to the hunger advocacy organization Hunger Free America on October 1, 2014.

The Clearinghouse includes a database of non-governmental, grassroots organizations in the areas of hunger and nutrition, along with a mailing list to communicate with these organizations. These organizations enter their information into the database, and Clearinghouse staff use that information to provide the public with information about where they can get food assistance. Surveys (FNS–543) will be completed online at *fns.usda.gov/nhc.* Information from past collections will be used as an estimate for future data collection for fiscal year 2018. From this information collection, the following information was determined:

Affected Public: Respondent groups identified include (1) Food banks—Not for Profit, (2) Business or Other For-Profits, and (3) Other Not For Profit. Most of these groups are organizations providing nutrition assistance services to the public.

Estimated Number of Respondents: 600.

Estimated Number of Responses per Respondent: Each respondent is expected to only participate in one survey.

Estimated Total Annual Responses: 600.

Estimated Time per Response: 5 minutes (0.0833 hours).

Estimated Total Annual Burden on Respondents: 3,000 minutes (50 hours).

See the table below for estimated total annual burden for each type of respondent.

REPORTING BURDEN

Respondent	Estimated number of respondents	Responses annually per respondent	Total annual responses (col. b x c)	Estimated avg. number of hours per response	Estimated total hours (col. d x e)
Food Banks (Not for Profit)	300	1	300	0.0833	24.99
Business and Other For Profit	100	1	100	0.0833	8.33
Other Not For Profit	200	1	200	0.0833	16.66
Total Reporting Burden	600		600		49.98

Dated: May 22, 2018.

Brandon Lipps,

Administrator, Food and Nutrition Service.

[FR Doc. 2018–11477 Filed 5–29–18; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Inviting Applications for Socially-Disadvantaged Groups Grants

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice.

SUMMARY: This Notice announces that the Rural Business-Cooperative Service (Agency) is accepting fiscal year (FY) 2018 applications for the Socially-Disadvantaged Groups Grant (SDGG) program. The Agency will publish the program funding level on the SDGG website located at *http://www.rd.usda.gov/programs-services/socially-disadvantaged-groups-grant.* Expenses incurred in developing applications are the responsibility of the applicant.

The purpose of this program is to provide technical assistance to Socially-Disadvantaged Groups in rural areas. Eligible applicants include Cooperatives, Groups of Cooperatives, and Cooperative Development Centers. This program supports Rural Development's (RD) mission of improving the quality of life for rural Americans and commitment to directing resources to those who most need them.

DATES: Completed applications for grants must be submitted on paper or electronically according to the following deadlines:

Paper copies must be postmarked and mailed, shipped, or sent overnight no later than July 30, 2018. You may also hand carry your application to one of our field offices, but it must be received by close of business on the deadline date.

Electronic copies must be received by *http://www.grants.gov* no later than midnight Eastern Time July 24, 2018. Late applications are not eligible for funding under this Notice and will not be evaluated.

ADDRESSES: You should contact the USDA RD State Office (State Office) located in the State where you are headquartered if you have questions. Contact information for State Offices can be found at: *http://www.rd.usda.gov/contact-us/state-offices.* You are encouraged to contact your State Office well in advance of the application deadline to discuss your project and ask any questions about the application process. Program guidance as well as application templates may be obtained at *http://www.rd.usda.gov/programs-services/socially-disadvantaged-groups-grant* or by contacting your State Office. If you want to submit an electronic application, follow the instructions for the SDGG funding announcement located at *http://www.grants.gov.* Please review the *Grants.gov* website at *http://grants.gov/applicants/organization_registration.jsp* for instructions on the process of registering your organization as soon as possible to ensure you can meet the electronic application deadline. You are strongly encouraged to file your application early and allow sufficient time to manage any technical issues that may arise. If you want to submit a paper application, send it to the State Office located in the State where you are headquartered. If you are headquartered in Washington, DC, please contact the Grants Division, Cooperative Programs, Rural Business-Cooperative Service, at (202) 690–1374 for guidance on where to submit your application.

FOR FURTHER INFORMATION CONTACT: Susan Horst, Grants Division, Cooperative Programs, Rural Business-Cooperative Service, United States Department of Agriculture, 1400 Independence Avenue SW, MS 3253, Room 4208-South, Washington, DC 20250–3250, or call 202–690–1374.

SUPPLEMENTARY INFORMATION:

Preface

The Agency encourages applications that will support recommendations made in the Rural Prosperity Task Force report to help improve life in rural America. *https://www.usda.gov/topics/rural/rural-prosperity.* Applicants are encouraged to consider projects that provide measurable results in helping rural communities build robust and sustainable economies through strategic investments in infrastructure, partnerships and innovation. Key strategies include:

- Achieving e-Connectivity for rural America
- Developing the Rural Economy
- Harnessing Technological Innovation
- Supporting a Rural Workforce
- Improving Quality of Life

Overview

Federal Agency Name: USDA Rural Business-Cooperative Service.

Funding Opportunity Title: Socially-Disadvantaged Groups Grant.

Announcement Type: Initial Notice.

Catalog of Federal Domestic Assistance Number: 10.871.

Dates: Application Deadline. You must submit your complete application by July 30, 2018, or it will not be considered for funding. Electronic applications must be received by *http://www.grants.gov* no later than midnight Eastern Time, July 24, 2018, or it will not be considered for funding.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act, the paperwork burden associated with this Notice has been approved by the Office of Management and Budget (OMB) under OMB Control Number 0570–0052.

A. Program Description

The SDGG program is authorized by section 310B(e)(11) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)(11)). The primary objective of the SDGG program is to provide Technical Assistance to Socially-Disadvantaged Groups. Grants are available for Cooperative Development Centers, individual Cooperatives, or Groups of Cooperatives that serve Socially-Disadvantaged Groups and where a majority of their board of directors or governing board is comprised of individuals who are members of Socially-Disadvantaged Groups.

Definitions

The definitions you need to understand are as follows:

Agency—Rural Business-Cooperative Service, an agency of the United States Department of Agriculture (USDA) Rural Development or a successor agency.

Conflict of Interest—A situation in which a person or entity has competing personal, professional, or financial interests that make it difficult for the person or business to act impartially. Federal procurement standards prohibit transactions that involve a real or apparent conflict of interest for owners, employees, officers, agents, or their immediate family members having a financial or other interest in the outcome of the project; or that restrict open and free competition for unrestrained trade. Specifically, project funds may not be used for services or goods going to, or coming from, a person or entity with a real or apparent conflict of interest, including, but not limited to, owner(s) and their immediate family members. Examples of conflicts of interest include using grant funds to pay a member of the applicant's board of directors to provide proposed Technical Assistance to Socially-Disadvantaged Groups; pay a cooperative member to provide proposed Technical Assistance to other members of the same cooperative; and pay an immediate family member of the applicant to provide proposed Technical Assistance to Socially-Disadvantaged Groups.

Cooperative—A business or organization owned by and operated for the benefit of those using its services and where a majority of the board of directors or governing board is comprised of individuals who are members of Socially-Disadvantaged Groups. Profits and earnings generated by the cooperative are distributed among the members, also known as user-owners.

Cooperative Development Center—A nonprofit corporation or institution of higher education operated by the grantee for cooperative or business development and where a majority of the board of directors or governing board is comprised of individuals who are members of Socially-Disadvantaged Groups. It may or may not be an independent legal entity separate from the grantee.

Feasibility Study—An analysis of the economic, market, technical, financial, and management feasibility of a proposed Project.

Group of Cooperatives—A group of Cooperatives whose primary focus is to provide assistance to Socially-Disadvantaged Groups and where a majority of the board of directors or governing board is comprised of individuals who are members of Socially-Disadvantaged Groups.

Operating Cost—The day-to-day expenses of running a business; for example: utilities, rent on the office space a business occupies, salaries, depreciation, marketing and advertising, and other basic overhead items.

Participant Support Costs—Direct costs for items such as stipends or subsistence allowances, travel allowances, and registration fees paid to or on behalf of participants or trainees (but not employees) in connection with conferences, or training projects.

Project—Includes all activities to be funded by the Socially-Disadvantaged Groups Grant.

Rural and Rural Area—Any area of a State:

(1) Not in a city or town that has a population of more than 50,000

inhabitants, according to the latest decennial census of the United States; and

(2) The contiguous and adjacent urbanized area,

(3) Urbanized areas that are rural in character as defined by 7 U.S.C. 1991(a)(13).

(4) For the purposes of this definition, cities and towns are incorporated population centers with definite boundaries, local self-government, and legal powers set forth in a charter granted by the State. Notwithstanding any other provision of this paragraph, within the areas of the County of Honolulu, Hawaii, and the Commonwealth of Puerto Rico, the Secretary may designate any part of the areas as a rural area if the Secretary determines that the part is not urban in character, other than any area included in the Honolulu census designated place (CDP) or the San Juan CDP.

Rural Development—A mission area within USDA consisting of the Office of Under Secretary for Rural Development, Rural Business-Cooperative Services, Rural Housing Service, and Rural Utilities Service and any successors.

Socially-Disadvantaged Group—A group whose members have been subjected to racial, ethnic, or gender prejudice because of their identity as members of a group without regard to their individual qualities.

State—Includes each of the 50 states, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and, as may be determined by the Secretary to be feasible, appropriate and lawful, the Federated States of Micronesia, the Republic of the Marshall Islands and the Republic of Palau.

Technical Assistance—An advisory service performed for the purpose of assisting Cooperatives or groups that want to form Cooperatives such as market research, product and/or service improvement, legal advice and assistance, Feasibility Study, business planning, marketing plan development, and training.

B. Federal Award Information

Type of Award: Competitive Grant.
Fiscal Year Funds: FY 2018.
Total Funding: $3,000,000.
Maximum Award: $175,000.
Project Period: 1 year.
Anticipated Award Date: September 28, 2018.

C. Eligibility Information

Applicants must meet all the following eligibility requirements. Applications which fail to meet any of these requirements by the application deadline will be deemed ineligible and will not be evaluated further.

1. *Eligible Applicants.* Grants may be made to individual Cooperatives, Groups of Cooperatives, and Cooperative Development Centers that serve Socially-Disadvantaged Groups and where a majority of the board of directors or governing board is comprised of individuals who are members of Socially-Disadvantaged Groups. You must be able to verify your legal structure in the State or the tribe under which you are incorporated. Grants may not be made to public bodies or to individuals. Your application must demonstrate that you meet all definition requirements for one of the three eligible applicant types as defined above under Program Description. Federally-recognized tribes have a government-to-government relationship with the United States and may have difficulty meeting the definition requirements. Therefore, it is recommended that they utilize a separate entity, such as a tribally-owned business, tribal authority, tribal non-profit, tribal College or University to apply for SDGG funding that would provide Technical Assistance to members of the tribe. This separate tribal entity must also demonstrate that it meets all definition requirements for one of the three eligible applicant types as defined above.

(a) An applicant is ineligible if they have been debarred or suspended or otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, ''Debarment and Suspension.'' In addition, an applicant will be considered ineligible for a grant due to an outstanding judgment obtained by the U.S. in a Federal Court (other than U.S. Tax Court), is delinquent on the payment of Federal income taxes, or is delinquent on Federal debt. The applicant must certify as part of the application that they do not have an outstanding judgment against them. The Agency will check the Credit Alert Interactive Voice Response System (CAIVRS) to verify this.

(b) Any corporation (i) that has been convicted of a felony criminal violation under any Federal law within the past 24 months or (ii) that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, is not eligible for financial assistance provided with funds appropriated by the Consolidated Appropriations Act, 2018 (Pub. L. 115–141), unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government. Applicants will be required to complete Form AD–3030, ''Representations Regarding Felony Conviction and Tax Delinquent Status for Corporate Applicants,'' if you are a corporation. Institutions of Higher Education are not required to submit this form.

2. *Cost Sharing or Matching.* No matching funds are required.

3. *Other Eligibility Requirements.*

Use of Funds: Your application must propose Technical Assistance that will benefit Socially-Disadvantaged Groups. Cooperatives that are recipients of Technical Assistance must have a membership that consists of a majority of members from Socially-Disadvantaged Groups. Please review section D(6) of this Notice, ''Funding Restrictions,'' carefully.

Project Eligibility: The proposed Project must only serve members of Socially-Disadvantaged Groups in Rural Areas.

Grant Period Eligibility: Your application must include a grant period of one-year or less or it will not be considered for funding. The proposed time frame should begin no earlier than October 1, 2018, and end no later than December 31, 2019. Applications that request funds for a time period ending after December 31, 2019, will not be considered for funding. You should note that the anticipated award date is September 28, 2018. Projects must be completed within the 12-months or less time frame.

The Agency may approve requests to extend the grant period for up to an additional 12 months at its discretion. However, you may not have more than one SDGG during the same grant period. If you extend the period of performance for your current award, you may be deemed ineligible to receive a SDGG in the next grant cycle. Further guidance on grant period extensions will be provided in the award document.

Satisfactory performance eligibility: If you have an existing SDGG award, you must be performing satisfactorily to be considered eligible for a new SDGG award. Satisfactory performance includes being up-to-date on all financial and performance reports as prescribed in the grant award, and current on tasks and timeframes for utilizing grant and matching funds as approved in the work plan and budget.

If you have any unspent grant funds on SDGG awards prior to FY 2017, your application will not be considered for funding. If your FY 2017 award has unspent funds of 50 percent or more than what your approved work plan and budget projected at the time of evaluation of your FY 2018 application, your FY 2018 application may not be considered for funding. The Agency will verify the performance status of FY 2017 awards and make a determination after the FY 2018 application period closes.

Completeness Eligibility: Your application must provide all the information requested in Section D(2) of this Notice. Applications lacking sufficient information to determine eligibility and scoring will be considered ineligible.

Duplication of current services. Your application must demonstrate that you are providing services to new customers or new services to current customers. If your work plan and budget is duplicative of your existing award, your application will not be considered for funding. If your work plan and budget is duplicative of a previous or existing RCDG and/or SDGG award, your application will not be considered for funding.

Multiple Grant Eligibility: You may only submit one SDGG grant application each funding cycle.

D. Application and Submission Information

1. Address To Request Application Package

The application template for applying on paper for this funding opportunity is located at *http://www.rd.usda.gov/programs-services/socially-disadvantaged-groups-grant.* Use of the application template is strongly recommended to assist you with the application process. You may also contact your USDA RD State Office for more information. Contact information for State Offices is located at *http://www.rd.usda.gov/contact-us/state-offices.* You may also obtain an application package by calling 202–690–1374.

2. Content and Form of Application Submission

You may submit your application in paper form or electronically through *Grants.gov*. Your application must contain all required information. If you submit in paper form, any forms requiring signatures must include an original signature.

To apply electronically, you must follow the instructions for this funding announcement at *http://www.grants.gov.* Please note that we cannot accept emailed or faxed applications.

You can locate the *Grants.gov* downloadable application package for this program by using a keyword, the program name, or the Catalog of Federal Domestic Assistance Number for this program.

When you enter the *Grants.gov* website, you will find information about applying electronically through the site, as well as the hours of operation.

To use *Grants.gov*, you must already have a DUNS number and you must also be registered and maintain registration in SAM. We strongly recommend that you do not wait until the application deadline date to begin the application process through *Grants.gov*.

You must submit all application documents electronically through *Grants.gov*. Applications must include electronic signatures. Original signatures may be required if funds are awarded.

After applying electronically through *Grants.gov*, you will receive an automatic acknowledgement from *Grants.gov* that contains a *Grants.gov* tracking number.

If you want to submit a paper application, send it to the State Office located in the State where you are headquartered. You can find State Office contact information at: *http://www.rd.usda.gov/contact-us/state-offices.*

Your application must also contain the following required forms and proposal elements:

(a) Standard Form SF–424, ''Application for Federal Assistance,'' to include your DUNS number and SAM Commercial and Government Entity (CAGE) code and expiration date. If you do not include your DUNS number in your application, it will not be considered for funding.

(b) Form SF–424A, ''Budget Information-Non-Construction Programs.'' This form must be completed and submitted as part of the application package.

(c) Form SF–424B, ''Assurances—Non-Construction Programs.'' This form must be completed, signed, and submitted as part of the application package.

(d) Form AD–3030, ''Representations Regarding Felony Conviction and Tax Delinquent Status for Corporate Applicants,'' if you are a corporation. A corporation is any entity that has filed articles of incorporation in one of the 50 States, the District of Columbia, the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands, or the various territories of the United States including American Samoa, Guam, Midway Islands, the Commonwealth of the Northern Mariana Islands, Puerto Rico, or the U.S. Virgin Islands. Corporations include both for profit and non-profit entities. Institutions of higher education are not required to submit this form.

(e) You must certify that there are no current outstanding Federal judgments against your property and that you will not use grant funds to pay for any judgment obtained by the United States. You must also certify that you are not delinquent on the payment of Federal income taxes, or any Federal debt. To satisfy the Certification requirement, you should include this statement in your application: ''[INSERT NAME OF APPLICANT] certifies that the United States has not obtained an unsatisfied judgment against its property, is not delinquent on the payment of Federal income taxes, or any Federal debt, and will not use grant funds to pay any judgments obtained by the United States.'' A separate signature is not required.

(f) Table of Contents. Your application must contain a detailed Table of Contents (TOC). The TOC must include page numbers for each part of the application. Page numbers should begin immediately following the TOC.

(g) Executive Summary. A summary of the proposal, not to exceed one page, must briefly describe the Project, tasks to be completed, and other relevant information that provides a general overview of the Project.

(h) Eligibility Discussion. A detailed discussion, not to exceed four pages, must describe how you meet the following requirements:

(1) *Applicant Eligibility.* You must describe how you meet the definition of a Cooperative, Group of Cooperatives, or Cooperative Development Center. Your application must show that your individual Cooperative, Group of Cooperatives or Cooperative Development Center serves Socially-Disadvantaged Groups and a majority of the board of directors or governing board is comprised of individuals who are members of Socially-Disadvantaged Groups. Your application must include a list of your board of directors/governing board and the percentage of board of directors/governing board that are members of Socially-Disadvantaged Groups. *Note:* Your application will not be considered for funding if you fail to show that a majority of your board of directors/governing board is comprised of individuals who are members of Socially-Disadvantaged Groups.

You must verify your incorporation and status in the State that you have

applied by providing the State's or Tribe's Certificate of Good Standing and your Articles of Incorporation. You may also submit your Bylaws if they provide additional information not included in your Articles of Incorporation that will help verify your legal status. If applying as an institution of higher education, documentation verifying your legal status is not required; however, you must demonstrate that you qualify as an Institution of Higher Education as defined at 20 U.S.C. 1001. You must apply as only one type of applicant. The requested verification documents should be included in Appendix A of your application. If they are not included, your application will not be considered for funding.

(2) *Use of Funds.* You must provide a brief discussion on how the proposed Project activities meet the definition of Technical Assistance and identify the Socially-Disadvantaged Groups that will be assisted.

(3) *Project Area.* You must provide specific information that details the location of the Project area and explain how the area meets the definition of ''Rural Area.''

(4) *Grant Period.* You must provide a time frame for the proposed Project and discuss how the Project will be completed within that time frame. You must have a time frame of one year or less.

(5) *Indirect Costs.* Your negotiated indirect cost rate approval does not need to be included in your application, but you will be required to provide it if a grant is awarded. Approval for indirect costs that are requested in an application without an approved indirect cost rate agreement is at the discretion of the Agency.

(i) *Scoring Criteria.* Each of the scoring criteria in this Notice must be addressed in narrative form, with a maximum of three pages for each individual scoring criterion, unless otherwise specified. Failure to address each scoring criteria will result in the application being determined ineligible.

(j) The Agency has established annual performance evaluation measures to evaluate the SDGG program. You must provide estimates on the following performance evaluation measures as part of your narrative:

- Number of cooperatives assisted; and
- Number of socially disadvantaged groups assisted.

3. DUNS Number and SM

To be eligible (unless you are excepted under 2 CFR 25.110(b), (c) or (d)), you are required to:

(a) Provide a valid DUNS number in your application, which can be obtained at no cost via a toll-free request line at (866) 705–5711;

(b) Register in SAM before submitting your application. You may register in SAM at no cost at *https://www.sam.gov/portal/public/SAM/.* You must provide your SAM CAGE Code and expiration date or evidence that you have begun the SAM registration process at time of application; and

(c) Continue to maintain an active SAM registration with current information at all times during which you have an active Federal award or an application or plan under consideration by a Federal awarding agency.

If you have not fully complied with all applicable DUNS and SAM requirements, the Agency may determine that the applicant is not qualified to receive a Federal award and the Agency may use that determination as a basis for making an award to another applicant. Please refer to Section F. 2 for additional submission requirements that apply to grantees selected for this program.

4. Submission Dates and Times

Application Deadline Date: July 30, 2018.

Explanation of Deadlines: Paper applications must be postmarked and mailed, shipped, or sent overnight by July 30, 2018. The Agency will determine whether your application is late based on the date shown on the postmark or shipping invoice. You may also hand carry your application to one of our field offices, but it must be received by close of business on the deadline date. If the due date falls on a Saturday, Sunday, or Federal holiday, the reporting package is due the next business day. Late applications are not eligible for funding and will not be evaluated further.

Electronic applications must be RECEIVED by *http://www.grants.gov* by midnight Eastern Time July 24, 2018, to be eligible for funding. Please review the *Grants.gov* website at *http://grants.gov/applicants/organization_registration.jsp* for instructions on the process of registering your organization as soon as possible to ensure you can meet the electronic application deadline. *Grants.gov* will not accept applications submitted after the deadline.

5. Intergovernmental Review

Executive Order (E.O.) 12372, ''Intergovernmental Review of Federal Programs,'' applies to this program. This E.O. requires that Federal agencies provide opportunities for consultation on proposed assistance with State and local governments. Many States have established a Single Point of Contact (SPOC) to facilitate this consultation. For a list of States that maintain a SPOC, please see the White House website: *https://www.whitehouse.gov/wp-content/uploads/2017/11/SPOC-Feb.-2018.pdf.*

If your State has a SPOC, you may submit a copy of the application directly for review. Any comments obtained through the SPOC must be provided to your State Office for consideration as part of your application. If your State has not established a SPOC, or if you do not want to submit a copy of the application, our State Offices will submit your application to the SPOC or other appropriate agency or agencies.

6. Funding Restrictions

Grant funds must be used for Technical Assistance. No funds made available under this solicitation shall be used to:

(a) Plan, repair, rehabilitate, acquire, or construct a building or facility, including a processing facility;

(b) Purchase, rent, or install fixed equipment, including processing equipment;

(c) Purchase vehicles, including boats;

(d) Pay for the preparation of the grant application;

(e) Pay expenses not directly related to the funded Project;

(f) Fund political or lobbying activities;

(g) To fund any activities considered unallowable by the applicable grant cost principles, including 2 CFR part 200, subpart E and the Federal Acquisition Regulation;

(h) Fund architectural or engineering design work for a specific physical facility;

(i) Fund any direct expenses for the production of any commodity or product to which value will be added, including seed, rootstock, labor for harvesting the crop, and delivery of the commodity to a processing facility;

(j) Fund research and development;

(k) Purchase land;

(l) Duplicate current activities or activities paid for by other Federal grant programs;

(m) Pay costs of the Project incurred prior to the date of grant approval;

(n) Pay for assistance to any private business enterprise that does not have at least 51 percent ownership by those who are either citizens of the United States or reside in the United States after being legally admitted for permanent residence;

(o) Pay any judgment or debt owed to the United States;

(p) Pay any Operating Costs of the Cooperative, Group of Cooperatives, or Cooperative Development Center not directly related to the Project;

(q) Pay expenses for applicant employee training or professional development not directly related to the Project; or

(r) Pay for any goods or services from a person who has a Conflict of Interest with the grantee.

(s) Pay for Technical Assistance provided to a Cooperative that does not have a membership that consists of a majority of members from Socially-Disadvantaged Groups.

In addition, your application will not be considered for funding if it does any of the following:

- Requests more than the maximum grant amount;
- Proposes ineligible costs that equal more than 10 percent of total grant funds requested; or
- Proposes Participant Support Costs that equal more than 10 percent of total grant funds requested.

We will consider your application for funding if it includes ineligible costs of 10 percent or less of total grant funds requested, if it is determined eligible otherwise. However, if your application is successful, those ineligible costs must be removed and replaced with eligible costs before the Agency will make the grant award or the amount of the grant award will be reduced accordingly. If we cannot determine the percentage of ineligible costs, your application will not be considered for funding.

7. Other Submission Requirements

(a) You should not submit your application in more than one format. You must choose whether to submit your application in paper or electronically. Applications submitted in paper must be mailed or hand-delivered to the State Office located in the State where you are headquartered. You can find State Office contact information at: *http://www.rd.usda.gov/contact-us/state-offices.* To apply electronically, you must follow the instructions for this funding announcement at *http://www.grants.gov.* A password is not required to access the website.

(b) National Environmental Policy Act. This Notice has been reviewed in accordance with 7 CFR part 1970, ''Environmental Policies and Procedures.'' We have determined that an Environmental Impact Statement is not required because the issuance of regulations and instructions, as well as amendments to them, describing administrative and financial procedures for processing, approving, and implementing the Agency's financial programs is categorically excluded in the Agency's National Environmental Policy Act (NEPA) regulation found at 7 CFR 1970.53(f). We have determined that this Notice does not constitute a major Federal action significantly affecting the quality of the human environment.

The Agency will review each grant application to determine its compliance with 7 CFR part 1970. The applicant may be asked to provide additional information or documentation to assist the Agency with this determination.

(c) Civil Rights Compliance Requirements. All grants made under this Notice are subject to Title VI of the Civil Rights Act of 1964 as required by the USDA (7 CFR part 15, subpart A) and Section 504 of the Rehabilitation Act of 1973.

E. Application Review Information

The State Offices will review applications to determine if they are eligible for assistance based on requirements in this Notice, and other applicable Federal regulations. If determined eligible, your application will be scored by a panel of USDA employees in accordance with the point allocation specified in this Notice. A recommendation will be submitted to the Administrator to fund applications in highest ranking order.

Applications that cannot be fully funded may be offered partial funding at the Agency's discretion.

1. Scoring Criteria

All eligible and complete applications will be evaluated based on the following criteria. Evaluators will base scores only on the information provided or cross-referenced by page number in each individual scoring criterion. SDGG is a competitive program, so you will receive scores based on the quality of your responses. Simply addressing the criteria will not guarantee higher scores. The total points possible for the criteria are 105.

(a) *Technical Assistance (maximum score of 25 points).* A panel of USDA employees will evaluate your application to determine your ability to assess the needs of and provide effective Technical Assistance to Socially-Disadvantaged Groups. You must discuss the:

(1) Needs of the Socially-Disadvantaged Groups to be assisted and explain how those needs were determined,

(2) Proposed Technical Assistance to be provided to the Socially-Disadvantaged Groups; and

(3) Expected outcomes of the proposed Technical Assistance, including how Socially-Disadvantaged Groups will benefit from participating in the Project. You will score higher on this criterion if you provide examples of past projects that demonstrate successful outcomes in identifying specific needs and providing Technical Assistance to Socially-Disadvantaged Groups.

(b) *Experience (maximum score of 25 points).* A panel of USDA employees will evaluate your experience, commitment and availability for identified staff or consultants in providing Technical Assistance, as defined in this Notice. You must describe the Technical Assistance experience for each identified staff member or consultant, as well as years of experience in providing that assistance. You must also discuss the commitment and the availability of identified staff, consultants, or other professionals to be hired for the project—especially those who may be consulting on multiple SDGG/RCDG projects. If staff or consultants have not been selected at the time of application, you must provide specific descriptions of the qualifications required for the positions to be filled. In addition, resumes for each individual staff member or consultant must be included as an attachment in Appendix B. The attachments will not count toward the maximum page total. We will compare the described experience in this section and in the resumes to the work plan to determine relevance of the experience. Applications that do not include the attached resumes will not be considered for funding.

Applications that demonstrate strong credentials, education, capabilities, experience and availability of Project personnel that will contribute to a high likelihood of Project success will receive more points than those that demonstrate less potential for success in these areas.

Points will be awarded as follows:

(i) 0 points will be awarded if you do not substantively address the criterion.

(ii) 1–9 points will be awarded if qualifications and experience of some, but not all, staff is addressed and/or if necessary qualifications of unfilled positions are not provided.

(iii) 10–14 points will be awarded if (ii) is met, plus all project personnel are identified but do not demonstrate qualifications or experience relevant to the project.

(iv) 15–19 will be awarded if (ii) and (iii) are met, plus most, but not all, key personnel demonstrate strong credentials and/or experience, and

availability indicating a reasonable likelihood of success.

(v) 20–25 points will be awarded if (ii)–(iv) are met, plus all personnel demonstrate strong, relevant credentials or experience, and availability indicating a high likelihood of project success.

(c) *Commitment (maximum of 10 points).* A panel of USDA employees will evaluate your commitment to providing Technical Assistance to Socially-Disadvantaged Groups in Rural Areas. You must list the number and location of Socially-Disadvantaged Groups that will directly benefit from the assistance provided. You must also define and describe the underserved and economically distressed areas within your service area and provide current and relevant statistics that support your description of the service area. Projects located in persistent poverty counties as defined by USDA's Economic Research Service will score higher on this factor.

(d) *Work Plan/Budget (maximum of 25 points*)—Six-page limit. Your work plan must provide specific and detailed descriptions of the tasks and the key project personnel that will accomplish the project's goals. Budget will be reviewed for completeness. You must list what tasks are to be done, when it will be done, who will do it, and how much it will cost. Reviewers must be able to understand what is being proposed and how the grant funds will be spent. The budget must be a detailed breakdown of estimated costs. These costs should be allocated to each of the tasks to be undertaken.

A panel of USDA employees will evaluate your work plan for detailed actions and an accompanying timetable for implementing the proposal. Clear, logical, realistic, and efficient plans that allocate costs to specific tasks using applicable budget object class categories provided on the Form SF–424A will result in a higher score. You must discuss at a minimum:

(i) Specific tasks to be completed using grant funds;

(ii) How customers will be identified;

(iii) Key personnel; and

(iv) The evaluation methods to be used to determine the success of specific tasks and overall project objectives. Please provide qualitative methods of evaluation. For example, evaluation methods should go beyond quantitative measurements of completing surveys or number of evaluations, such as discussion of evaluation methods per task.

(e) *Local support (maximum of 10 points).* A panel of USDA employees will evaluate your application for local support of the Technical Assistance activities. Your discussion on local support should include previous and/or expected local support and plans for coordinating with other developmental organizations in the proposed service area or with tribal, State and local government institutions. You will score higher if you demonstrate strong support from potential beneficiaries and other developmental organizations. You may also submit a maximum of 10 letters of support or intent to coordinate with the application to verify your discussion.

Points will be awarded as follows:

(i) 0 points are awarded if you do not adequately address this criterion.

(ii) 1–5 points are awarded if you demonstrate support from potential beneficiaries and other developmental organizations in your discussion but do not provide letters of support.

(iii) Additional 1 point is awarded if you provide 2–3 support letters that show support from potential beneficiaries and/or support from local organizations.

(iv) Additional 2 points are awarded if you provide 4–5 support letters that show support from potential beneficiaries and/or support from local organizations.

(v) Additional 3 points are awarded if you provide 6–7 support letters that show support from potential beneficiaries and/or support from local organizations.

(vi) Additional 4 points are awarded if you provide 8–9 support letters that show support from potential beneficiaries and/or support from local organizations.

(vii) Additional 5 points are awarded if you provide 10 support letters that show support from potential beneficiaries and/or support from local organizations.

You may submit a maximum of 10 letters of support. Support letters should come from potential beneficiaries and other local organizations. Letters received from Congressional members and Technical Assistance providers will not be included in the count of support letters received. Additionally, identical form letters signed by multiple potential beneficiaries and/or local organizations will not be included in the count of support letters received. Support letters should be included as an attachment to the application in Appendix C and will not count against the maximum page total. Additional letters from industry groups, commodity groups, Congressional members, and similar organizations should be referenced, but not included in the application package. When referencing these letters, provide the name of the organization, date of the letter, the nature of the support, and the name and title of the person signing the letter.

(f) *Administrator Discretionary Points (maximum of 10 points).* The Administrator may choose to award up to 10 points to an eligible applicant who has never previously been awarded an SDGG grant; and whose workplan and budget seeks to help rural communities build robust and sustainable economies through strategic investments in infrastructure, partnerships and innovation. Eligible applicants who want to be considered for discretionary points must discuss how their workplan and budget supports one or more of the five following key strategies:

Achieving e-Connectivity for Rural America;

Improving Quality of Life;

Supporting a Rural Workforce;

Harnessing Technological Innovation; and

Economic Development.

2. Review and Selection Process

The State Offices will review applications to determine if they are eligible for assistance based on requirements in this Notice, and other applicable Federal regulations. If determined eligible, your application will be scored by a panel of USDA employees in accordance with the point allocation specified in this Notice. The review panel will convene to reach a consensus on the scores for each of the eligible applications. The Administrator may choose to award up to 10 Administrator priority points based on criterion (f) in section E.1. of this Notice. These points will be added to the cumulative score for a total possible score of 105. Applications will be funded in highest ranking order until the funding limitation has been reached. Applications that cannot be fully funded may be offered partial funding at the Agency's discretion. If your application is ranked and not funded, it will not be carried forward into the next competition.

F. Federal Award Administration Information

1. Federal Award Notices

If you are selected for funding, you will receive a signed notice of Federal award by postal mail, containing instructions on requirements necessary to proceed with execution and performance of the award.

If you are not selected for funding, you will be notified in writing via postal mail and informed of any review and appeal rights. Funding of successfully

appealed applications will be limited to available FY 2018 funding.

2. Administrative and National Policy Requirements

Additional requirements that apply to grantees selected for this program can be found in 2 CFR parts 200, 215, 400, 415, 417, 418, and 421. All recipients of Federal financial assistance are required to report information about first-tier subawards and executive compensation (See 2 CFR part 170). You will be required to have the necessary processes and systems in place to comply with the Federal Funding Accountability and Transparency Act reporting requirements (See 2 CFR 170.200(b), unless you are exempt under 2 CFR 170.110(b)). These regulations may be obtained at *http://www.gpoaccess.gov/cfr/index.html.*

The following additional requirements apply to grantees selected for this program:

- Agency approved Grant Agreement.
- Letter of Conditions.
- Form RD 1940–1, ''Request for Obligation of Funds.''
- Form RD 1942–46, ''Letter of Intent to Meet Conditions.''
- Form AD–1047, ''Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions.''
- Form AD–1048, ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions.''
- Form AD–1049, ''Certification Regarding a Drug-Free Workplace Requirement (Grants).''
- Form AD–3031, ''Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants.'' Must be signed by corporate applicants who receive an award under this Notice.
- Form RD 400–4, ''Assurance Agreement.'' By signing Form 400–4, Assurance Agreement recipients affirm that they will operate the program free from discrimination. The recipient will maintain the race and ethnic data on the board members and beneficiaries of the program. The Recipient will provide alternative forms of communication to persons with limited English proficiency. The Agency will conduct Civil Rights Compliance Reviews on recipients to identify the collection of racial and ethnic data on Program beneficiaries. In addition, the Compliance review will ensure that equal access to the Program benefits and activities are provided for persons with disabilities and language barriers.
- SF LLL, ''Disclosure of Lobbying Activities,'' if applicable.

3. Reporting

After grant approval and through grant completion, you will be required to provide the following:

a. A SF–425, ''Federal Financial Report,'' and a project performance report will be required on a semiannual basis (due 30 working days after end of the semiannual period). For the purposes of this grant, semiannual periods end on March 31st and September 30th. The project performance reports shall include a comparison of actual accomplishments to the objectives established for that period;

b. Reasons why established objectives were not met, if applicable;

c. Reasons for any problems, delays, or adverse conditions, if any, which have affected or will affect attainment of overall project objectives, prevent meeting time schedules or objectives, or preclude the attainment of particular objectives during established time periods. This disclosure shall be accompanied by a statement of the action taken or planned to resolve the situation; and

d. Objectives and timetable established for the next reporting period.

e. Provide a final project and financial status report within 90 days after the expiration or termination of the grant.

f. Provide outcome project performance reports and final deliverables.

G. Agency Contacts

For general questions about this announcement and for program Technical Assistance, please contact the appropriate State Office as indicated in the **ADDRESSES** section of this Notice. You may also contact National Office staff: Susan Horst, SDGG Program Lead, *Susan.Horst@wdc.usda.gov,* or call 202–690–1374.

H. Other Information

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 activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

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

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *http://www.ascr.usda.gov/complaint_filing_cust.html* and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by:

(1) *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410; *fax:* (202) 690–7442; or *email: program.intake@usda.gov.*

Dated: May 22, 2018.

Bette B. Brand,

Administrator, Rural Business-Cooperative Service.

[FR Doc. 2018–11481 Filed 5–29–18; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Inviting Applications for Rural Cooperative Development Grants

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice.

SUMMARY: This Notice announces that the Rural Business-Cooperative Service (Agency) is accepting fiscal year (FY) 2018 applications for the Rural Cooperative Development Grant (RCDG) program. The RCDG program is authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (CONACT).

The purpose of this program is to provide financial assistance to improve the economic condition of rural areas through cooperative development. Eligible applicants include a non-profit corporation or an institution of higher education.

DATES: Completed applications must be submitted on paper or electronically according to the following deadlines:

Paper applications must be postmarked and mailed, shipped, or sent overnight no later than July 30, 2018. You may also hand carry your application to one of our field offices, but it must be received by close of business on the deadline date. Late applications are not eligible for funding under this Notice and will not be evaluated.

Electronic applications must be received by July 24, 2018, to be eligible for grant funding. Please review the *Grants.gov* website at *http://grants.gov/applicants/organization_registration.jsp.* For instructions on the process of registering your organization as soon as possible to ensure you are able to meet the electronic application deadline. Late applications are not eligible for funding under this Notice and will not be evaluated.

ADDRESSES: You should contact a USDA Rural Development State Office (State Office) if you have questions. You are encouraged to contact your State Office well in advance of the application deadline to discuss your project and ask any questions about the application process. Contact information for State Offices can be found at *http://www.rd.usda.gov/contact-us/state-offices.*

Program guidance as well as application and matching funds templates may be obtained at *http://www.rd.usda.gov/programs-services/rural-cooperative-development-grant-program.* If you want to submit an electronic application, follow the instructions for the RCDG funding announcement located at *http://www.grants.gov.* If you want to submit a paper application, send it to the State Office located in the State where you are headquartered. If you are headquartered in Washington, DC please contact the Grants Division, Cooperative Programs, Rural Business-Cooperative Service, at (202) 690–1374 for guidance on where to submit your application.

FOR FURTHER INFORMATION CONTACT: Grants Division, Cooperative Programs, Rural Business-Cooperative Service, United States Department of Agriculture, 1400 Independence Avenue SW, Mail Stop–3253, Room 4208–South, Washington, DC 20250–3253, (202) 690–1374.

SUPPLEMENTARY INFORMATION

Preface

The Agency encourages applications that will support recommendations made in the Rural Prosperity Task Force report to help improve life in rural America. *www.usda.gov/ruralprosperity.* Applicants are encouraged to consider projects that provide measurable results in helping rural communities build robust and sustainable economies through strategic investments in infrastructure, partnerships and innovation. Key strategies include:

- Achieving e-Connectivity for rural America
- Developing the Rural Economy
- Harnessing Technological Innovation
- Supporting a Rural Workforce
- Improving Quality of Life

Overview

Federal Agency: Rural Business-Cooperative Service.

Funding Opportunity Title: Rural Cooperative Development Grants.

Announcement Type: Initial Notice.

Catalog of Federal Domestic Assistance Number: 10.771.

Date: Application Deadline. Paper applications must be postmarked, mailed, shipped, or sent overnight no later than July 30, 2018, or it will not be considered for funding. You may also hand carry your application to one of our field offices, but it must be received by close of business on the deadline date. Electronic applications must be received by *http://www.grants.gov* no later than midnight Eastern Time July 24, 2018, or it will not be considered for funding.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act, the paperwork burden associated with this Notice has been approved by the Office of Management and Budget (OMB) under OMB Control Number 0570–0006.

A. Program Description

The RCDG program is authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (CONACT) (7 U.S.C. 1932(e)) as amended by the Agricultural Act of 2014 (Pub. L. 113–79). You are required to comply with the regulations for this program published at 7 CFR part 4284, subparts A and F, which are incorporated by reference in this Notice. Therefore, you should become familiar with these regulations. The primary objective of the RCDG program is to improve the economic condition of rural areas through cooperative development. Grants are awarded on a competitive basis. The maximum award amount per grant is $200,000. Grants are available for non-profit corporations or higher education institutions only. Grant funds may be used to pay for up to 75 percent of the cost of establishing and operating centers for rural cooperative development. Grant funds may be used to pay for 95 percent of the cost of establishing and operating centers for rural cooperative development, when the applicant is a 1994 Institution as defined by 7 U.S.C. 301. The 1994 Institutions are commonly known as Tribal Land Grant Institutions. Centers may have the expertise on staff or they can contract out for the expertise, to assist individuals or entities in the startup, expansion or operational improvement of rural businesses, especially cooperative or mutually-owned businesses.

Definitions

The terms you need to understand are defined and published at 7 CFR 4284.3 and 7 CFR 4284.504. In addition, the terms ''rural'' and ''rural area,'' defined at section 343(a)(13) of the CONACT (7 U.S.C. 1991(a)), are incorporated by reference, and will be used for this program instead of those terms currently published at 7 CFR 4284.3. The term ''you'' referenced throughout this Notice should be understood to mean ''you'' the applicant. Finally, there has been some confusion on the Agency's meaning of the terms ''conflict of interest'' and ''mutually-owned business,'' because they are not defined in the CONACT or in the regulations used for the program. Therefore, the terms are clarified and should be understood as follows.

Conflict of interest—A situation in which a person or entity has competing personal, professional, or financial interests that make it difficult for the person or business to act impartially. Regarding use of both grant and matching funds, Federal procurement standards prohibit transactions that involve a real or apparent conflict of interest for owners, employees, officers, agents, or their immediate family members having a financial or other interest in the outcome of the project; or that restrict open and free competition for unrestrained trade. Specifically, project funds may not be used for services or goods going to, or coming from, a person or entity with a real or apparent conflict of interest, including, but not limited to, owner(s) and their immediate family members. An example of conflict of interest occurs when the grantee's employees, board of directors, or the immediate family of either, have the appearance of a professional or personal financial interest in the recipients receiving the benefits or services of the grant.

Mutually-owned business—An organization owned and governed by

members who either are its consumers, producers, employees, or suppliers.

B. Federal Award Information

Type of Award: Competitive Grant.
Fiscal Year Funds: FY 2018.
Total Funding: $5,800,000
Maximum Award: $200,000.
Anticipated Award Date: September 28, 2018.

C. Eligibility Information

Applicants must meet all of the following eligibility requirements. Applications which fail to meet any of these requirements by the application deadline will be deemed ineligible and will not be evaluated further.

1. Eligible Applicants

You must be a nonprofit corporation or an institution of higher education to apply for this program. Public bodies and individuals cannot apply for this program. See 7 CFR 4284.507. You must also meet the following requirements:

a. An applicant is ineligible if they have been debarred or suspended or otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, ''Debarment and Suspension.'' The Agency will check the System for Award Management (SAM) to determine if the applicant has been debarred or suspended. In addition, an applicant will be considered ineligible for a grant due to an outstanding judgment obtained by the U.S. in a Federal Court (other than U.S. Tax Court), is delinquent on the payment of Federal income taxes, or is delinquent on Federal debt. See 7 CFR 4284.6. The applicant must certify as part of the application that they do not have an outstanding judgment against them. The Agency will check the Credit Alert Interactive Voice Response System (CAIVRS) to verify this.

b. Any corporation that has been convicted of a felony criminal violation under any Federal law within the past 24 months or that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, is not eligible for financial assistance provided with funds appropriated by the Consolidated Appropriations Act, 2018 (Pub. L. 115–141), unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government. Applicants will be required to complete Form AD–3030, ''Representations Regarding Felony Conviction and Tax Delinquent Status for Corporate Applicants,'' if you are a corporation. Institutions of Higher Education are not required to submit this form.

c. Applications will be deemed ineligible if the application includes any funding restrictions identified under Section D.6.a. and b. Inclusion of funding restrictions outlined in Section D.6.a. and b. preclude the Agency from making a federal award.

d. Applications will be deemed ineligible if the application is not complete in accordance with the requirements stated in Section C.3.e.

2. Cost Sharing or Matching

Your matching funds requirement is 25 percent of the total project cost (5 percent for 1994 Institutions). See 7 CFR 4284.508. When you calculate your matching funds requirement, please round up or down to whole dollars as appropriate. An example of how to calculate your matching funds is as follows:

a. Take the amount of grant funds you are requesting and divide it by .75. This will give you your total project cost.

Example: $200,000 (grant amount)/.75 (percentage for use of grant funds) = $266,667 (total project cost).

b. Subtract the amount of grant funds you are requesting from your total project cost. This will give you your matching funds requirement.

Example: $266,667 (total project cost) − $200,000 (grant amount) = $66,667 (matching funds requirement).

c. A quick way to double check that you have the correct amount of matching funds is to take your total project cost and multiply it by .25.

Example: $266,667 (total project cost) × .25 (maximum percentage of matching funds requirement) = $66,667 (matching funds requirement).

You must verify that all matching funds are available during the grant period and provide this documentation with your application in accordance with requirements identified in Section D.2.e.8. If you are awarded a grant, additional verification documentation may be required to confirm the availability of matching funds.

Other rules for matching funds that you must follow are listed below.

- They must be spent on eligible expenses during the grant period.
- They must be from eligible sources.
- They must be spent in advance or as a pro-rata portion of grant funds being spent.
- They must be provided by either the applicant or a third party in the form of cash or an in-kind contribution.
- They cannot include board/advisory council members' time.
- They cannot include other Federal grants unless provided by authorizing legislation.
- They cannot include cash or in-kind contributions donated outside the grant period.
- They cannot include over-valued, in-kind contributions.
- They cannot include any project costs that are ineligible under the RCDG program.
- They cannot include any project costs that are unallowable under the applicable grant ''Cost Principles,'' including 2 CFR part 200, subpart E, and the Federal Acquisition Regulation (for-profits) or successor regulation.
- They can include loan funds from a Federal source.
- They can include travel and incidentals for board/advisory council members if you have established written policies explaining how these costs are normally reimbursed, including rates. You must include an explanation of this policy in your application or the contributions will not be considered as eligible matching funds.
- You must be able to document and verify the number of hours worked and the value associated with any in-kind contribution being used to meet a matching funds requirement.
- In-kind contributions provided by individuals, businesses, or cooperatives which are being assisted by you cannot be provided for the direct benefit of their own projects as USDA Rural Development considers this to be a conflict of interest or the appearance of a conflict of interest.

3. Other Eligibility Requirements

a. Purpose Eligibility

Your application must propose the establishment or continuation of a cooperative development center concept. You must use project funds, including grant and matching funds for eligible purposes only (see 7 CFR 4284.508). In addition, project funds may be used for programs providing for the coordination of services and sharing of information among the centers (see 7 U.S.C 1932(e) (4) (C) (vi)).

b. Project Eligibility

All project activities must be for the benefit of a rural area.

c. Multiple Application Eligibility

Only one application can be submitted per applicant. If two applications are submitted (regardless of

the applicant name) that include the same Executive Director and/or advisory boards or committees of an existing center, both applications will be determined not eligible for funding.

d. Grant Period

Your application must include a one-year grant period, or it will not be considered for funding. The grant period should begin no earlier than October 1, 2018, and no later than January 1, 2019. Applications that request funds for a time period ending after December 31, 2019, will not be considered for funding. Projects must be completed within a one-year timeframe. Prior approval is needed from the Agency if you are awarded a grant and desire the grant period to begin earlier or later than previously discussed.

The Agency may approve requests to extend the grant period for up to an additional 12 months at its discretion. However, you may not have more than one active RCDG during the same grant period. Further guidance on grant period extensions will be provided in the award document.

e. Completeness

Your application will not be considered for funding if it fails to meet an eligibility criterion by time of application deadline and does not provide sufficient information to determine eligibility and scoring. You must include all of the forms and proposal elements as discussed in the regulation and as clarified further in this Notice. Incomplete applications will not be reviewed by the Agency. For more information on what is required for an application, see 7 CFR 4284.510.

f. Satisfactory Performance

You must be performing satisfactorily on any outstanding RCDG award to be considered eligible for a new award. Satisfactory performance includes being up-to-date on all financial and performance reports as prescribed in the grant award, and current on tasks and timeframes for utilizing grant and matching funds as approved in the work plan and budget. If you have any unspent grant funds on RCDG awards prior to fiscal year 2017, your application will not be considered for funding. If your fiscal year 2017 award has unspent funds of 50 percent or more than what your approved work plan and budget projected, at the time that your fiscal year 2018 application is being evaluated, your application will not be considered for funding. The Agency will verify the performance status of FY 2017 awards and make a determination after the FY 2018 application period closes.

g. Duplication of Current Services

Your application must demonstrate that you are providing services to new customers or new services to current customers. If your work plan and budget is duplicative of your existing award, your application will not be considered for funding. If your workplan and budget is duplicative of a previous or existing RCDG and/or Socially Disadvantaged Groups Grant (SDGG) award, your application will not be considered for funding. The Agency will make this determination.

h. Indirect Costs

Your negotiated indirect cost rate approval does not need to be included in your application, but you will be required to provide it if a grant is awarded. Approval for indirect costs that are requested in an application without an approved indirect cost rate agreement is at the discretion of the Agency.

D. Application and Submission Information

1. Address to Request Application Package

For further information, you should contact your State Office at *http://www.rd.usda.gov/contact-us/state-offices.* Program materials may also be obtained at *http://www.rd.usda.gov/programs-services/rural-cooperative-development-grant-program.* You may also obtain a copy by calling 202–690–1374.

2. Content and Form of Application Submission

You may submit your application in paper form or electronically through *Grants.gov*. If you submit in paper form, any forms requiring signatures must include an original signature.

a. Electronic Submission

To apply electronically, you must use the *Grants.gov* website at *http://www.Grants.gov*. You may not apply electronically in any way other than through *Grants.gov*.

You can locate the *Grants.gov* downloadable application package for this program by using a keyword, the program name, or the Catalog of Federal Domestic Assistance Number for this program.

When you enter the *Grants.gov* website, you will find information about applying electronically through the site, as well as the hours of operation.

To use *Grants.gov*, you must already have a DUNS number and you must also be registered and maintain registration in SAM. We strongly recommend that you do not wait until the application deadline date to begin the application process through *Grants.gov*.

You must submit all your application documents electronically through *Grants.gov*. Applications must include electronic signatures. Original signatures may be required if funds are awarded.

After electronically applying through *Grants.gov*, you will receive an automatic acknowledgement from *Grants.gov* that contains a *Grants.gov* tracking number.

b. Paper Submission

If you want to submit a paper application, send it to the State Office located in the State where your project will primarily take place. You can find State Office Contact information at: *http://www.rd.usda.gov/contact-us/state-offices.* An optional-use Agency application template is available online at *http://www.rd.usda.gov/programs-services/rural-cooperative-development-grant-program.*

c. Supplemental Information

Your application must contain all the required forms and proposal elements described in 7 CFR 4284.510 and as otherwise clarified in this Notice. Specifically, your application must include: (1) The required forms as described in 7 CFR 4284.510(b) and (2) the required proposal elements as described in 7 CFR 4284.510(c). If your application is incomplete, it is ineligible to compete for funds. Applications lacking sufficient information to determine eligibility and scoring will be considered ineligible. Information submitted after the application deadline will not be accepted. You are encouraged, but not required to utilize the application template found at *http://www.rd.usda.gov/programs-services/rural-cooperative-development-grant-program.*

d. Clarifications on Forms

- Standard Form (SF) 424—Your DUNS number should be identified in the ''Organizational DUNS'' field on SF 424, ''Application for Federal Assistance.'' In addition, you should provide the DUNS number and the Commercial and Government Entity (CAGE) code and expiration date under the applicant eligibility discussion in your proposal narrative. If you do not include the CAGE code and expiration date and the DUNS number in your application, it will not be considered for funding.
- Form AD–3030, ''Representations Regarding Felony Conviction and Tax Delinquent Status for Corporate

Applicants,'' if you are a corporation. A corporation is any entity that has filed articles of incorporation in one of the 50 States, the District of Columbia, the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands, or the various territories of the United States including American Samoa, Guam, Midway Islands, the Commonwealth of the Northern Mariana Islands, Puerto Rico, or the U.S. Virgin Islands. Corporations include both for profit and non-profit entities. Institutions of Higher Education are not required to submit this form.

• You can voluntarily fill out and submit the ''Survey on Ensuring Equal Opportunity for Applicants,'' as part of your application if you are a nonprofit organization.

e. Clarifications on Proposal Elements

1. You must include the title of the project as well as any other relevant identifying information on the Title Page.

2. You must include a Table of Contents with page numbers for each component of the application to facilitate review.

3. Your Executive Summary must include the items in 7 CFR 4284.510(c)(3), and discuss the percentage of work that will be performed among organizational staff, consultants, or other contractors. It should not exceed two pages.

4. Your Eligibility Discussion must not exceed two pages and cover how you meet the eligibility requirements for applicant, matching funds, and other eligibility requirements.

5. Your Proposal Narrative must not exceed 40 pages and should describe the essential aspects of the project.

i. You are only required to have one title page for the proposal.

ii. If you list the evaluation criteria on the Table of Contents and specifically and individually address each criterion in narrative form, then it is not necessary for you to include an Information Sheet. Otherwise, the Information Sheet is required under 7 CFR 4284.510(c)(ii).

iii. You must include the following under Goals of the Project:

A. A statement that substantiates that the Center will effectively serve rural areas in the United States;

B. A statement that the primary objective of the Center will be to improve the economic condition of rural areas through cooperative development;

C. A description of the contributions that the proposed activities are likely to make to the improvement of the economic conditions of the rural areas for which the Center will provide services. Expected economic impacts should be tied to tasks included in the work plan and budget; and

D. A statement that the Center, in carrying out its activities, will seek, where appropriate, the advice, participation, expertise, and assistance of representatives of business, industry, educational institutions, the Federal government, and State and local governments.

iv. The Agency has established annual performance evaluation measures to evaluate the RCDG program. You must provide estimates on the following performance evaluation measures.

• Number of groups who are not legal entities assisted.

• Number of businesses that are not cooperatives assisted.

• Number of cooperatives assisted.

• Number of businesses incorporated that are not cooperatives.

• Number of cooperatives incorporated.

• Total number of jobs created as a result of assistance.

• Total number of jobs saved as a result of assistance.

• Number of jobs created for the Center as a result of RCDG funding.

• Number of jobs saved for the Center as a result of RCDG funding.

It is permissible to have a zero in a performance element. When you calculate jobs created, estimates should be based upon actual jobs to be created by your organization because of the RCDG funding or actual jobs to be created by cooperative businesses or other businesses as a result of assistance from your organization. When you calculate jobs saved, estimates should be based only on actual jobs that would have been lost if your organization did not receive RCDG funding or actual jobs that would have been lost without assistance from your organization.

v. You can also suggest additional performance elements for example where job creation or jobs saved may not be a relevant indicator (*e.g.* housing). These additional criteria should be specific, measurable performance elements that could be included in an award document.

vi. You must describe in the application how you will undertake to do each of the following. We would prefer if you described these undertakings within proposal evaluation criteria to reduce duplication in your application. The specific proposal evaluation criterion where you should address each undertaking is noted below.

A. Take all practicable steps to develop continuing sources of financial support for the Center, particularly from sources in the private sector (should be presented under proposal evaluation criterion j., utilizing the specific requirements of Section E.1.j.);

B. Make arrangements for the Center's activities to be monitored and evaluated (should be addressed under proposal evaluation criterion number h. utilizing the specific requirements of Section E.1.h.); and

C. Provide an accounting for the money received by the grantee in accordance with 7 CFR part 4284, subpart F. This should be addressed under proposal evaluation criterion number a., utilizing the specific requirements of Section E.1.a.

vii. You should present the Work Plan and Budget proposal element under proposal evaluation criterion number h., utilizing the specific requirements of Section E.1.h. of this Notice to reduce duplication in your application.

viii. You should present the Delivery of Cooperative development assistance proposal element under proposal evaluation criterion number b., utilizing the specific requirements of Section E.1.b. of this Notice.

ix. You should present the Qualifications of Personnel proposal element under proposal evaluation criterion number i., utilizing the specific requirements of Section E.1.i. of this Notice.

x. You should present the Local Support and Future Support proposal elements under proposal evaluation criterion number j., utilizing the requirements of Section E.1.j. of this Notice.

xi. Your application will not be considered for funding if you do not address all the proposal evaluation criteria. See Section E.1. of this Notice for a description of the proposal evaluation criteria.

xii. Only appendices A–C will be considered when evaluating your application. You must not include resumes of staff or consultants in the application.

6. You must certify that there are no current outstanding Federal judgments against your property and that you will not use grant funds to pay for any judgment obtained by the United States. To satisfy the Certification requirement, you should include this statement in your application: ''[INSERT NAME OF APPLICANT] certifies that the United States has not obtained an unsatisfied judgment against its property, is not delinquent on the payment of Federal income taxes, or any Federal debt, and will not use grant funds to pay any judgments obtained by the United

States.'' A separate signature is not required.

7. You must certify that matching funds will be available at the same time grant funds are anticipated to be spent and that expenditures of matching funds are pro-rated or spent in advance of grant funding, such that for every dollar of the total project cost, not less than the required amount of matching funds will be expended. Please note that this Certification is a separate requirement from the Verification of Matching Funds requirement. To satisfy the Certification requirement, you should include this statement in your application: ''[INSERT NAME OF APPLICANT] certifies that matching funds will be available at the same time grant funds are anticipated to be spent and that expenditures of matching funds shall be pro-rated or spent in advance of grant funding, such that for every dollar of the total project cost, at least 25 cents (5 cents for 1994 Institutions) of matching funds will be expended.'' A separate signature is not required.

8. You must provide documentation in your application to verify all of your proposed matching funds. The documentation must be included in Appendix A of your application and will not count towards the 40-page limitation. Template letters are available for each type of matching funds contribution at *http://www.rd.usda.gov/programs-services/rural-cooperative-development-grant-program.*

a. If matching funds are to be provided in cash, you must meet the following requirements.

- *You:* The application must include a statement verifying (1) the amount of the cash and (2) the source of the cash. You may also provide a bank statement dated 30 days or less from the application deadline date to verify your cash match.
- *Third-party:* The application must include a signed letter from the third party verifying (1) how much cash will be donated and (2) that it will be available corresponding to the proposed grant period or donated on a specific date within the grant period.

b. If matching funds are to be provided by an in-kind donation, you must meet the following requirements.

- *You:* The application must include a signed letter from you or your authorized representative verifying (1) the nature of the goods and/or services to be donated and how they will be used, (2) when the goods and/or services will be donated (*i.e.,* corresponding to the proposed grant period or to specific dates within the grant period), and (3) the value of the goods and/or services. Please note that most applicant contributions for the RCDG program are considered applicant cash match in accordance with this Notice. If you are unsure, please contact your State Office because identifying your matching funds improperly can affect your scoring.
- *Third-Party:* The application must include a signed letter from the third party verifying (1) the nature of the goods and/or services to be donated and how they will be used, (2) when the goods and/or services will be donated (*i.e.,* corresponding to the proposed grant period or to specific dates within the grant period), and (3) the value of the goods and/or services.

To ensure that you are identifying and verifying your matching funds appropriately, please note the following:

- If you are paying for goods and/or services as part of the matching funds requirement, the expenditure is considered a cash match, and you must verify it as such. Universities must verify the goods and services they are providing to the project as a cash match and the verification must be approved by the appropriate approval official (*i.e.,* sponsored programs office or equivalent).
- If you have already received cash from a third-party (*i.e.,* Foundation) before the start of your proposed grant period, you must verify this as your own cash match and not as a third-party cash match. If you are receiving cash from a third-party during the grant period, then you must be verifying the cash as a third-party cash match.
- Board resolutions for a cash match must be approved at the time of application.
- You can only consider goods or services for which no expenditure is made as an in-kind contribution.
- If a non-profit or another organization contributes the services of affiliated volunteers, they must follow the third-party, in-kind donation verification requirement for each individual volunteer.
- Expected program income may not be used to fulfill your matching funds requirement at the time you submit your application. However, if you have a contract to provide services in place at the time you submit your application, you can verify the amount of the contract as a cash match.
- The valuation processes you use for in-kind contributions does not need to be included in your application, but you must be able to demonstrate how the valuation was derived if you are awarded a grant. The grant award may be withdrawn, or the amount of the grant reduced if you cannot demonstrate how the valuation was derived.

Successful applicants must comply with requirements identified in Section F, Federal Award Administration.

3. Dun and Bradstreet Data Universal Numbering System (DUNS) and System for Awards Management (SAM)

To be eligible (unless you are excepted under 2 CFR 25.110(b), (c) or (d), you are required to:

(a) Provide a valid DUNS number in your application, which can be obtained at no cost via a toll-free request line at (866) 705–5711;

(b) Register in SAM before submitting your application. You may register in SAM at no cost at *https://www.sam.gov/portal/public/SAM/.* You must provide your SAM CAGE Code and expiration date or evidence that you have begun the SAM registration process at time of application, and

(c) Continue to maintain an active SAM registration with current information at all times during which you have an active Federal award or an application or plan under consideration by a Federal awarding agency.

If you have not fully complied with all applicable DUNS and SAM requirements, the Agency may determine that the applicant is not qualified to receive a Federal award and the Agency may use that determination as a basis for making an award to another applicant. Please refer to Section F.2. for additional submission requirements that apply to grantees selected for this program.

4. Submission Dates and Times

Application Deadline Date: July 30, 2018.

Explanation of Deadlines: Complete applications must be submitted on paper or electronically according to the following deadlines:

Paper applications must be postmarked and mailed, shipped, or sent overnight no later than July 30, 2018, to be eligible for grant funding. The Agency will determine whether your application is late based on the date shown on the postmark or shipping invoice. You may also hand carry your application to one of our field offices, but it must be received by close of business on the deadline date. If the due date falls on a Saturday, Sunday, or Federal holiday, the reporting package is due the next business day. Late applications will automatically be deemed ineligible.

Electronic applications must be received by *http://www.grants.gov* no later than midnight Eastern Time July 24, 2018, to be eligible for grant funding. Please review the *Grants.gov* website at *http://grants.gov/applicants/*

organization_registration.jsp for instructions on the process of registering your organization as soon as possible to ensure you can meet the electronic application deadline. *Grants.gov* will not accept applications submitted after the deadline.

5. Intergovernmental Review of Applications

Executive Order (E.O.) 12372, ''Intergovernmental Review of Federal Programs,'' applies to this program. This E.O. requires that Federal agencies provide opportunities for consultation on proposed assistance with State and local governments. Many States have established a Single Point of Contact (SPOC) to facilitate this consultation. For a list of States that maintain a SPOC, please see the White House website: *https://www.whitehouse.gov/wp-content/uploads/2017/11/SPOC-Feb.-2018.pdf.* If your State has an SPOC, you may submit a copy of the application directly for review. Any comments obtained through the SPOC must be provided to your State Office for consideration as part of your application. If your State has not established an SPOC, or if you do not want to submit a copy of the application, our State Offices will submit your application to the SPOC or other appropriate agency or agencies.

6. Funding Restrictions

a. Project funds, including grant and matching funds, cannot be used for ineligible grant purposes (see 7 CFR 4284.10). Also, you shall not use project funds for the following:

- To purchase, rent, or install laboratory equipment or processing machinery;
- To pay for the operating costs of any entity receiving assistance from the Center;
- To pay costs of the project where a conflict of interest exists;
- To fund any activities prohibited by 2 CFR part 200; or
- To fund any activities considered unallowable by 2 CFR part 200, subpart E, ''Cost Principles,'' and the Federal Acquisition Regulation (for-profits) or successor regulations.

b. In addition, your application will not be considered for funding if it does any of the following:

- Focuses assistance on only one cooperative or mutually-owned business;
- Requests more than the maximum grant amount; or
- Proposes ineligible costs that equal more than 10 percent of total project costs. The ineligible costs will NOT be removed at this stage to proceed with application processing. For purposes of this determination, the grant amount requested plus the matching funds amount constitutes the total project costs.

We will consider your application for funding if it includes ineligible costs of 10 percent or less of total project costs, if the remaining costs are determined eligible otherwise. However, if your application is successful, those ineligible costs must be removed and replaced with eligible costs before the Agency will make the grant award, or the amount of the grant award will be reduced accordingly. If we cannot determine the percentage of ineligible costs, your application will not be considered for funding.

7. Other Submission Requirements

a. You should not submit your application in more than one format. You must choose whether to submit your application in paper or electronically. Applications submitted on paper must be mailed or hand-delivered to the State Office located in the State where you are headquartered. You can find State Office contact information at: *http://www.rd.usda.gov/contact-us/state-offices.* To submit an application electronically, you must follow the instruction for this funding announcement at *http://www.grants.gov.* A password is not required to access the website.

b. National Environmental Policy Act.

All recipients under this Notice are subject to the requirements of 7 CFR part 1970. However, technical assistance awards under this Notice are classified as a Categorical Exclusion according to 7 CFR 1970.53(b), and usually do not require any additional documentation.

The Agency will review each grant application to determine its compliance with 7 CFR part 1970. The applicant may be asked to provide additional information or documentation to assist the Agency with this determination.

c. Civil Rights Compliance Requirements.

All grants made under this Notice are subject to Title VI of the Civil Rights Act of 1964 as required by the USDA (7 CFR part 15, subpart A) and Section 504 of the Rehabilitation Act of 1973.

E. Application Review Information

The State Offices will review applications to determine if they are eligible for assistance based on requirements in 7 CFR part 4284, subparts A and F, this Notice, and other applicable Federal regulations. If determined eligible, your application will be scored by a panel of USDA employees in accordance with the point allocation specified in this Notice. Applications will be funded in rank order until the funding limitation has been reached. Applications that cannot be fully funded may be offered partial funding at the Agency's discretion.

1. Scoring Criteria

Scoring criteria will follow criteria published at 7 CFR 4284.513 as supplemented below including any amendments made by the Section 6013 of the Food, Conservation, and Energy Act of 2008 (Pub. L. 110–234), which is incorporated by reference in this Notice. The regulatory and statutory criteria are clarified and supplemented below. You should also include information as described in Section D.2.e.5.vi. if you choose to address these items under the scoring criteria. Evaluators will base scores only on the information provided or cross-referenced by page number in each individual evaluation criterion. The maximum amount of points available is 110. Newly established or proposed Centers that do not yet have a track record on which to evaluate the following criteria should refer to the expertise and track records of staff or consultants expected to perform tasks related to the respective criteria. Proposed or newly established Centers must be organized well-enough at time of application to address its capabilities for meeting these criteria.

a. Administrative capabilities (maximum score of 10 points). A panel of USDA employees will evaluate your demonstrated track record in carrying out activities in support of development assistance to cooperatively and mutually owned businesses. At a minimum, you must discuss the following administrative capabilities:

1. Financial systems and audit controls;
2. Personnel and program administration performance measures;
3. Clear written rules of governance; and
4. Experience administering Federal grant funding no later than the last 5 years, including but not limited to past RCDGs. Please list the name of the Federal grant program(s), the amount(s), and the date(s) of funding received.

You will score higher on this criterion if you can demonstrate that the Center has independent governance. For applicants that are universities or parent organizations, you should demonstrate that there is a separate board of directors for the Center.

b. Technical assistance and other services (maximum score of 10 points). A panel of USDA employees will evaluate your demonstrated expertise no later than the last 5 years in providing

technical assistance and accomplishing effective outcomes in rural areas to promote and assist the development of cooperatively and mutually owned businesses. You must discuss at least:

1. Your potential for delivering effective technical assistance;
2. The types of assistance provided;
3. The expected effects of that assistance;
4. The sustainability of organizations receiving the assistance; and
5. The transferability of your cooperative development strategies and focus to other areas of the U.S.

A chart or table showing the outcomes of your demonstrated expertise based upon the performance elements listed in Section D.2.e.5.iv. or as identified in your award document on previous RCDG awards. At a minimum, please provide information for FY 2014–FY 2016 awards. We prefer that you provide one chart or table separating out award years. The intention here is for you to provide actual performance numbers based upon award years (fiscal year) even though your grant period for the award was for the next calendar or fiscal year. Please provide a narrative explanation if you have not received a RCDG award.

You will score higher on this criterion if you provide more than 3 years of outcomes and can demonstrate that the organizations you assisted within the last 5 years are sustainable. Additional outcome information should be provided on RCDG grants awarded before FY 2014. Please describe specific project(s) when addressing 1–5 of this paragraph. To reduce duplication, descriptions of specific projects and their impacts, outcomes and roles can be discussed once under criterion b or c. However, you must cross-reference the information under the other criterion.

c. Economic development (maximum score of 10 points). A panel of USDA employees will evaluate your demonstrated ability to facilitate:

1. Establishment of cooperatives or mutually owned businesses;
2. New cooperative approaches (*i.e.,* organizing cooperatives among underserved individuals or communities; an innovative market approach; a type of cooperative currently not in your service area; a new cooperative structure; novel ways to raise member equity or community capitalization; conversion of an existing business to cooperative ownership); and
3. Retention of businesses, generation of employment opportunities or other factors, as applicable, that will otherwise improve the economic conditions of rural areas.

You will score higher on this criterion if you provide economic measurements showing the impacts of your past development projects no later than 5 years old and identify your role in the economic development outcomes.

d. Past performance in establishing legal business entities (maximum score of 10 points). A panel of USDA employees will evaluate your demonstrated past performance in establishing legal cooperative business entities and other legal business entities during January 1, 2015–December 31, 2017. Provide the name of the organization(s) established, the date of formation and your role in assisting with the incorporation(s) under this criterion. In addition, documentation verifying the establishment of legal business entities must be included in Appendix C of your application and will not count against the 40-page limit for the narrative. The documentation must include proof that organizational documents were filed with the Secretary of State's Office (*i.e.*, Certificate of Incorporation or information from the State's official website naming the entity established and the date of establishment); or if the business entity is not required to register with the Secretary of State, a certification from the business entity that a legal business entity has been established and when. Please note that you are not required to submit articles of incorporation to receive points under this criterion. You will score higher on this criterion if you have established legal cooperative businesses. If your State does not incorporate cooperative business entities, please describe how the established business entity operates like a cooperative.

e. Networking and regional focus (maximum score of 10 points). A panel of USDA employees will evaluate your demonstrated commitment to:

1. Networking with other cooperative development centers, and other organizations involved in rural economic development efforts, and
2. Developing multi-organization and multi-State approaches to addressing the economic development and cooperative needs of rural areas.

You will score higher on this criterion if you can demonstrate the outcomes of your multi-organizational and multi-State approaches. Please describe the project(s), partners and the outcome(s) that resulted from the approach.

f. Commitment (maximum score of 10 points). A panel of USDA employees will evaluate your commitment to providing technical assistance and other services to under-served and economically distressed areas in rural areas of the United States. You will score higher on this criterion if you define and describe the underserved and economically distressed areas within your service area, provide economic statistics, and identify past or current projects within or affecting these areas, as appropriate.

g. Matching Funds (maximum score of 10 points). A panel of USDA employees will evaluate your commitment for the 25 percent (5 percent for 1994 Institutions) matching funds requirement. A chart or table should be provided to describe all matching funds being committed to the project. However, formal documentation to verify all the matching funds must be included in Appendix A of your application. You will be scored on how you identify your matching funds.

1. If you met the 25 percent (5 percent for 1994 Institutions) matching requirement, points will be assigned as follows:
   - In-kind only—1 point,
   - Mix of in-kind and cash—3–4 points (maximum points will be awarded if the ratio of cash to in-kind is 30 percent and above of matching funds), or
   - Cash only—5 points.
2. If you exceeded the 25 percent (5 percent for 1994 Institutions) matching requirement, points will be assigned as follows:
   - In-kind only—2 points,
   - Mix of in-kind and cash—6–7 points (maximum points will be awarded if the ratio of cash to in-kind is 30 percent and above of matching funds), or
   - Cash only—10 points.

h. Work Plan/Budget (maximum score of 10 points). A panel of USDA employees will evaluate your work plan for detailed actions and an accompanying timetable for implementing the proposal. The budget must present a breakdown of the estimated costs associated with cooperative and business development activities as well as the operation of the Center and allocate these costs to each of the tasks to be undertaken. Matching funds as well as grant funds must be accounted for in the budget.

You must discuss at a minimum:

1. Specific tasks (whether it be by type of service or specific project) to be completed using grant and matching funds;
2. How customers will be identified;
3. Key personnel; and
4. The evaluation methods to be used to determine the success of specific tasks and overall objectives of Center operations. Please provide qualitative methods of evaluation. For example,

evaluation methods should go beyond quantitative measurements of completing surveys or number of evaluations.

You will score higher on this criterion if you present a clear, logical, realistic, and efficient work plan and budget.

i. Qualifications of those Performing the Tasks (maximum score of 10 points). A panel of USDA employees will evaluate your application to determine if the personnel expected to perform key tasks have a track record of:

1. Positive solutions for complex cooperative development and/or marketing problems; or

2. A successful record of conducting accurate feasibility studies, business plans, marketing analysis, or other activities relevant to your success as determined by the tasks identified in the work plan; and

3. Whether the personnel expected to perform the tasks are full/part-time employees of your organization or are contract personnel.

You will score higher on this criterion if you demonstrate commitment and availability of qualified personnel expected to perform the tasks.

j. Local and Future Support (maximum score of 10 points). A panel of USDA employees will evaluate your application for local and future support. Support should be discussed directly within the response to this criterion.

1. Discussion on local support should include previous and/or expected local support and plans for coordinating with other developmental organizations in the proposed service area or with state and local government institutions. You will score higher if you demonstrate strong support from potential beneficiaries and formal evidence of intent to coordinate with other developmental organizations. You may also submit a maximum of 10 letters of support or intent to coordinate with the application to verify your discussion. These letters should be included in Appendix B of your application and will not count against the 40-page limit for the narrative.

2. Discussion on future support will include your vision for funding operations in future years. You should document:

(i) New and existing funding sources that support your goals;

(ii) Alternative funding sources that reduce reliance on Federal, State, and local grants; and

(iii) The use of in-house personnel for providing services versus contracting out for that expertise. Please discuss your strategy for building in-house technical assistance capacity.

You will score higher if you can demonstrate that your future support will result in long-term sustainability of the Center.

k. Administrator Discretionary Points (maximum of 10 points). The Administrator may choose to award up to 10 points to an eligible non-profit corporation or institution of higher education who has never previously been awarded an RCDG grant; and whose workplan and budget seeks to help rural communities build robust and sustainable economies through strategic investments in infrastructure, partnerships and innovation. Eligible applicants who want to be considered for discretionary points must discuss how their workplan and budget supports one or more of the five following key strategies:

Achieving e-Connectivity for Rural America;

Improving Quality of Life;

Supporting a Rural Workforce;

Harnessing Technological Innovation; and

Economic Development.

2. Review and Selection Process

The State Offices will review applications to determine if they are eligible for assistance based on requirements in 7 CFR part 4284, subparts A and F, this Notice, and other applicable Federal regulations. If determined eligible, your application will be scored by a panel of USDA employees in accordance with the point allocation specified in this Notice. The Administrator may choose to award up to 10 Administrator priority points based on criterion (k) in section E.1. of this Notice. These points will be added to the cumulative score for a total possible score of 110. Applications will be funded in highest ranking order until the funding limitation has been reached. Applications that cannot be fully funded may be offered partial funding at the Agency's discretion. If your application is evaluated, but not funded, it will not be carried forward into the next competition.

F. Federal Award Administration Information

1. Federal Award Notices

If you are selected for funding, you will receive a signed notice of Federal award by postal mail from the State Office where your application was submitted, containing instructions on requirements necessary to proceed with execution and performance of the award.

If you are not selected for funding, you will be notified in writing via postal mail and informed of any review and appeal rights. You must comply with all applicable statutes, regulations, and notice requirements before the grant award will be approved. There will be no available funds for successful appellants once all FY 2018 funds are awarded and obligated. See 7 CFR part 11 for USDA National Appeals Division procedures.

2. Administrative and National Policy Requirements

Additional requirements that apply to grantees selected for this program can be found in 7 CFR part 4284, subpart F; the Grants and Agreements regulations of the Department of Agriculture codified in 2 CFR parts 180, 400, 415, 417, 418, 421; 2 CFR parts 25 and 170; and 48 CFR 31.2, and successor regulations to these parts.

In addition, all recipients of Federal financial assistance are required to report information about first-tier subawards and executive compensation (see 2 CFR part 170). You will be required to have the necessary processes and systems in place to comply with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109–282) reporting requirements (see 2 CFR 170.200(b), unless you are exempt under 2 CFR 170.110(b)).

The following additional requirements apply to grantees selected for this program:

- Agency-approved Grant Agreement.
- Letter of Conditions.
- Form RD 1940–1, ''Request for Obligation of Funds.''
- Form RD 1942–46, ''Letter of Intent to Meet Conditions.''
- Form AD–1047, ''Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions.''
- Form AD–1048, ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions.''
- Form AD–1049, ''Certification Regarding Drug-Free Workplace Requirements (Grants).''
- Form RD 400–4, ''Assurance Agreement.''
- SF LLL, ''Disclosure of Lobbying Activities,'' if applicable.
- Form AD–3031, ''Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants.'' Must be signed by corporate applicants who receive an award under this Notice. Institutions of Higher Education do not need to submit this form.

3. Reporting

After grant approval and through grant completion, you will be required to provide the following:

a. An SF–425, ''Federal Financial Report,'' and a project performance report will be required on a semiannual basis (due 30 working days after end of the semiannual period). The project performance reports shall include the following: A comparison of actual accomplishments to the objectives established for that period;

b. Reasons why established objectives were not met, if applicable;

c. Reasons for any problems, delays, or adverse conditions, if any, which have affected or will affect attainment of overall project objectives, prevent meeting time schedules or objectives, or preclude the attainment of particular objectives during established time periods. This disclosure shall be accompanied by a statement of the action taken or planned to resolve the situation; and

d. Objectives and timetable established for the next reporting period.

e. Provide a final project and financial status report within 60 days after the expiration or termination of the grant.

f. Provide outcome project performance reports and final deliverables.

G. Agency Contacts

If you have questions about this Notice, please contact the appropriate State Office at *http://www.rd.usda.gov/contact-us/state-offices.* Program guidance as well as application and matching funds templates may be obtained at *http://www.rd.usda.gov/programs-services/rural-cooperative-development-grant-program.* If you want to submit an electronic application, follow the instructions for the RCDG funding announcement located at *http://www.grants.gov.* You may also contact National Office staff: Natalie Melton, RCDG Program Lead, *natalie.melton@wdc.usda.gov,* or call the main line at 202–690–1374.

H. Nondiscrimination Statement

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

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

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *http://www.ascr.usda.gov/complaint_filing_cust.html* and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by:

(1) *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410;

(2) *Fax:* (202) 690–7442; or

(3) *Email: program.intake@usda.gov.*

Dated: May 22, 2018.

Bette B. Brand,

Administrator, Rural Business-Cooperative Service.

[FR Doc. 2018–11482 Filed 5–29–18; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF COMMERCE

Notice of Request for Public Comments and Public Hearing on Section 232 National Security Investigation of Imports of Automobiles, Including Cars, SUVs, Vans and Light Trucks, and Automotive Parts

AGENCY: U.S. Department of Commerce.

ACTION: Notice of request for public comments and public hearing.

SUMMARY: On May 23, 2018, the Secretary of Commerce initiated an investigation to determine the effects on the national security of imports of automobiles, including cars, SUVs, vans and light trucks, and automotive parts. This investigation has been initiated under section 232 of the Trade Expansion Act of 1962, as amended. Interested parties are invited to submit written comments, data, analyses, or other information pertinent to the investigation to the Department of Commerce by June 22, 2018. Rebuttal comments will be due by July 6, 2018. The Department of Commerce will also hold a public hearing on the investigation on July 19 and 20, 2018 in Washington, DC. This notice identifies the issues on which the Department is interested in obtaining the public's views. It also sets forth the procedures for public participation in the hearing.

DATES: The due date for filing comments, for requests to appear at the public hearing, and for submissions of a summary of expected testimony at the public hearing is June 22, 2018.

The due date is July 6, 2018 for rebuttal comments submitted in response to any comments filed on or before June 22, 2018.

The public hearings will be held on July 19 and 20, 2018. The hearings will begin at 8:30 a.m. local time and conclude at 5:00 p.m. local time, each day.

ADDRESSES: *Written comments:* All written submissions must be in English and must be addressed to Section 232 Automobile and Automotive Parts Imports Investigation, and filed through the Federal eRulemaking Portal: *http://www.regulations.gov.* To submit comments via *www.regulations.gov,* enter docket number DOC–2018–0002 on the home page and click ''search.'' The site will provide a search results page listing all documents associated with this docket. Find a reference to this notice and click on the link entitled ''Comment Now!'' (For further information on using *www.regulations.gov,* please consult the resources provided on the website by clicking on ''How to Use This Site'' on the left side of the home page). For alternatives to on-line submissions, please contact Sahra Park-Su at (202) 482–2811.

Hearings: The public hearings will be held in the Department of Commerce's auditorium at 1401 Constitution Avenue NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Sahra Park-Su, U.S. Department of Commerce (202) 482–2811. For more information about the section 232 program, including the regulations and the text of previous investigations, see *www.bis.doc.gov/*232.

SUPPLEMENTARY INFORMATION:

Background

On May 23, 2018, the Secretary of Commerce (''Secretary'') initiated an

investigation under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), to determine the effects on the national security of imports of automobiles, including cars, SUVs, vans and light trucks, and automotive parts. If the Secretary finds that automobiles and/or automotive parts are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security, the Secretary shall recommend actions and steps that should be taken to adjust automobile and/or automotive parts imports so that they will not threaten to impair the national security.

Written Comments

This investigation is being undertaken in accordance with part 705 of the National Security Industrial Base Regulations (15 CFR parts 700 to 709) (''NSIBR''). Interested parties are invited to submit written comments, data, analyses, or information pertinent to this investigation to the U.S. Department of Commerce by June 22, 2018. Rebuttal comments submitted in response to comments received on or before June 22, 2018 may be filed no later than July 6, 2018.

The Department is particularly interested in comments and information directed to the criteria listed in § 705.4 of the NSIBR as they affect national security, including the following:

- The quantity and nature of imports of automobiles, including cars, SUVs, vans and light trucks, and automotive parts and other circumstances related to the importation of automobiles and automotive parts;
- Domestic production needed for projected national defense requirements;
- Domestic production and productive capacity needed for automobiles and automotive parts to meet projected national defense requirements;
- The existing and anticipated availability of human resources, products, raw materials, production equipment, and facilities to produce automobiles and automotive parts;
- The growth requirements of the automobiles and automotive parts industry to meet national defense requirements and/or requirements to assure such growth, particularly with respect to investment and research and development;
- The impact of foreign competition on the economic welfare of the U.S. automobiles and automotive parts industry;
- The displacement of any domestic automobiles and automotive parts causing substantial unemployment, decrease in the revenues of government, loss of investment or specialized skills and productive capacity, or other serious effects;
- Relevant factors that are causing or will cause a weakening of our national economy;
- The extent to which innovation in new automotive technologies is necessary to meet projected national defense requirements;
- Whether and, if so, how the analysis of the above factors changes when U.S. production by majority U.S.-owned firms is considered separately from U.S. production by majority foreign-owned firms; and
- Any other relevant factors.

Additional Requirements for Written Comments

The *www.regulations.gov* website allows users to provide comments by filling in a ''Type Comment'' field, or by attaching a document using an ''Upload File'' field. The Department prefers that comments be provided in an attached document. The Department prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If the submission is in an application other than those two, please indicate the name of the application in the ''Type Comment'' field. Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible please include any exhibits, annexes, or other attachments in the same file as part of the submission itself rather than in separate files.

Comments will be placed in the docket and open to public inspection, except confidential business information. Comments may be viewed on *www.regulations.gov* by entering docket number DOC–2018–0002 in the search field on the home page.

Material that is business confidential information will be exempted from public disclosure as provided for by § 705.6 of the regulations. Anyone submitting business confidential information should clearly identify the business confidential portion of the submission, then file a statement justifying nondisclosure and referring to the specific legal authority claimed, and provide a non-confidential version of the submission which can be placed in the public file on *http://www.regulations.gov.*

For comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters ''BC''. Any page containing business confidential information must be clearly marked ''BUSINESS CONFIDENTIAL'' on the top of that page. The file name of the non-confidential version should begin with the character ''P''. The ''BC'' and ''P'' should be followed by the name of the person or entity submitting the comments or rebuttal comments. Filers submitting comments containing no business confidential information should name their file using the name of the person or entity submitting the comments.

Communications from agencies of the United States Government will not be made available for public inspection. Please note that the submission of a summary of expected testimony at the public hearing is separate from the submission of other written comments and should be submitted separately.

Public Hearing

Consistent with the interest of the U.S. Department of Commerce in soliciting public comments on issues affecting U.S. industry and national security, the Department is holding a public hearing as part of the investigation. The hearing will further assist the Department in determining whether imports of automobiles and automotive parts threaten to impair the national security and in recommending remedies if such a threat is found to exist. Public comments at the hearing should address the criteria listed in § 705.4 of the NSIBR as they affect national security described above.

The hearing will be held on July 19 and 20, 2018 at the U.S. Department of Commerce auditorium, 1401 Constitution Avenue NW, Washington, DC 20230. The hearing will begin at 8:30 a.m. local time and conclude at 5:00 p.m. local time, each day.

Procedure for Requesting Participation

The Department encourages interested public participants to present their views orally at the hearing. Any person wishing to make an oral presentation at the hearing must submit a written request to the Department of Commerce by June 22, 2018. The request to appear must include a summary of the expected testimony, and may also be accompanied by additional material. Remarks at the hearing may be limited to five minutes to allow for possible questions from U.S. government representatives.

All submissions must be in English and sent electronically via *www.regulations.gov.* To submit a request to appear at the hearing via *www.regulations.gov,* enter docket number DOC–2018–0002. In the ''Type

Comment'' field, include name, address, email address, and telephone number of the person presenting the testimony, as well as the organization or company that they represent. Attach a summary of the testimony, and pre-hearing submission if provided, by using the ''Upload File'' field. The file name should include the name of the person who will be presenting the testimony.

The request to speak should include (1) the name and address of the person requesting to make a presentation; (2) a daytime phone number where the person who would be making the oral presentation may be contacted before the hearing; (3) the organization or company they represent; and (4) an email address.

Please note that the submission of a summary of expected testimony at the public hearing is separate from the request for written comments. Since it may be necessary to limit the number of persons making presentations, the written request to participate in the public hearing should describe the individual's interest in the hearing and, where appropriate, explain why the individual is a proper representative of a group or class of persons that has such an interest. If all interested parties cannot be accommodated at the hearing, the summaries of the oral presentations will be used to allocate speaking time and to ensure that a full range of comments is heard.

Each person selected to make a presentation will be notified by the Department of Commerce no later than 8:00 p.m. Eastern Daylight Time on July 12, 2018. The Department will arrange the presentation times for the speakers. Persons selected to be heard are requested to bring 20 copies of their oral presentation and of all exhibits to the hearing site on the day of the hearing. All such material must be of a size consistent with ease of handling, transportation and filing. While large exhibits may be used during a hearing, copies of such exhibits in reduced size must be provided to the hearing panel. Written submissions by persons not selected to make presentations will be made part of the public record of the proceeding. Confidential business information may not be submitted at a public hearing. In the event confidential business information is submitted it will be handled according to the same procedures applicable to such information provided in the course of an investigation. See 15 CFR 705.6. The hearing will be recorded.

The transcript of the hearing will be available on *www.regulations.gov* in docket number DOC–2018–0002.

Conduct of the Hearing

The Department reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. Each speaker may be limited to 5 minutes, and comments must be directly related to the criteria listed in 15 CFR 705.4 of the regulations. Attendees will be seated on a first-come, first-served basis.

A Department official will be designated to preside at the hearing. The presiding officer shall determine all procedural matters during the hearing. Representatives from the Department, and other U.S. Government agencies as appropriate, will make up the hearing panel. This will be a fact-finding proceeding; it will not be a judicial or evidentiary-type hearing. Only members of the hearing panel may ask questions, and there will be no cross-examination of persons presenting statements. However, questions submitted to the presiding officer in writing may, at the discretion of the presiding officer, be posed to the presenter. No formal rules of evidence will apply to the hearing.

Any further procedural rules for the proper conduct of the hearing will be announced by the presiding officer.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be received by the Department of Commerce no later than June 22, 2018 by contacting the Department of Commerce official identified in this Notice.

Dated: May 24, 2018.

Wilbur L. Ross,

Secretary of Commerce.

[FR Doc. 2018–11708 Filed 5–25–18; 4:15 pm]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–875]

Fine Denier Polyester Staple Fiber From India: Final Affirmative Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that fine denier polyester staple fiber (fine denier PSF) from India is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is April 1, 2016, through March 31, 2017.

DATES: Applicable May 30, 2018.

FOR FURTHER INFORMATION CONTACT: Patrick O'Connor, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0989.

SUPPLEMENTARY INFORMATION:

Background

On January 5, 2018, Commerce published the *Preliminary Determination* of this antidumping duty investigation, as provided by section 735 of the Tariff Act of 1930, as amended (the Act). Commerce preliminarily found that fine denier PSF from India was sold at LTFV.[1] A summary of the events that have occurred since Commerce published the *Preliminary Determination,* as well as a full discussion of the issues raised by interested parties for this final determination, may be found in the Issues and Decision Memorandum.[2] The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.*

Commerce has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from January 20 through 22, 2018. The revised deadline for the final determination in this investigation is now May 23, 2018.[3]

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[1] *See Fine Denier Polyester Staple Fiber from India: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures* 83 FR 662 (January 5, 2018), and accompanying Preliminary Decision Memorandum (collectively, *Preliminary Determination*).

[2] *See* Memorandum, ''Fine Denier Polyester Staple Fiber from India: Issues and Decision Memorandum for the Final Affirmative Determination in the Less Than Fair Value,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See* Memorandum for The Record from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the

Continued

Scope Comments

We provided parties an opportunity to provide comments on all issues regarding product coverage (*i.e.,* scope).[4] Certain interested parties commented on the scope of the investigation as it appeared in the *Preliminary Determination*.[5] For a summary of the product coverage comments and rebuttals submitted to the record of this investigation, and our accompanying discussion and analysis of the comments and rebuttals that were timely received, see the Final Scope Decision Memorandum.[6] Based on parties' comments, we made no changes to the scope of the investigation, as it appeared in the *Preliminary Determination.*[7] The product covered by this investigation is fine denier PSF from India. For a complete description of the scope of this investigation, *see* Appendix I.

Verification

As provided in section 782(i) of the Act, in January and March 2018, we conducted a verification of the information reported by the mandatory respondent Reliance Industries Limited (RIL), for use in this final determination.[8] We used standard verification procedures, including an examination of relevant accounting and production records and original source documents provided by the respondent.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of these issues is attached to this notice as Appendix II.

Application of Adverse Facts Available (AFA)

As in the *Preliminary Determination,* pursuant to sections 776(a) and (b) of the Act, we have continued to base Bombay Dyeing & Manufacturing Company Limited's (Bombay Dyeing) dumping margin upon the facts otherwise available, with an adverse inference, because the company did not respond to Commerce's questionnaire. In addition, based on our verification findings, our re-evaluation of the record evidence, and our analysis of the comments received, we are also basing RIL's dumping margin on facts available with an adverse inference pursuant to sections 776(a) and (b) of the Act. For further discussion, *see* the Issues and Decision Memorandum.

Changes Since the Preliminary Determination

As noted above, we are now basing RIL's dumping margin on facts available with an adverse inference. Moreover, we have revised the all-others rate as explained below.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that in the final determination Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate ''shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act''. Pursuant to section 735(c)(5)(B) of the Act, however, if ''the estimated weighted-average dumping margins established for all exporters and producers individually examined are zero, *de minimis* or determined based entirely on facts otherwise available,'' Commerce ''may use any reasonable method to establish the estimated weighted-average dumping margin for all-other producers and/or exporters.''[9] Furthermore, Congress, in the SAA, stated that when ''the dumping margins for all of the exporters and producers that are individually investigated are determined entirely on the basis of the facts available or are zero or de minimis . . . (t)he expected method in such cases will be to weight-average the zero and de minimis margins and margins determined pursuant to the facts available.''[10] For the final determination, Commerce has determined the estimated weighted-average dumping margin for each of the individually examined respondents under section 776 of the Act. Consequently, pursuant to section 735(c)(5)(B) of the Act, Commerce's normal practice under these circumstances has been to calculate the ''all-others'' rate as a simple average of the alleged dumping margins from the petition.[11] In this case, however, we initiated using only one duming margin in the petition. Therefore, for the final determination, we have used this one dumping margin, which is 21.43 percent, as the ''All-Others'' rate.[12]

Final Determination

Commerce determines that the following estimated weighted-average dumping margins exist:

Federal Government'' (Tolling Memorandum), dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by three days.

[4] *See* Memorandum, ''Due Dates for Case and Rebuttal Briefs Regarding the Scope,'' dated December 11, 2017

[5] *See Preliminary Determination.*

[6] *See* Memorandum, ''Fine Denier Polyester Staple Fiber from the People's Republic of China, India, Republic of Korea, and Taiwan: Scope Comments Decision Memorandum for the Final Determinations,'' dated January 16, 2018 (Final Scope Memorandum).

[7] While we made no changes to the scope based on parties' comments, we discovered that we inadvertently included the phrase ''or pre-opened'' in the scope in the *Preliminary Determination.* This phrase was not included in the scope in the *Initiation. See Fine Denier Polyester Staple Fiber from the People's Republic of China, India, the Republic of Korea, Taiwan, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations,* 82 FR 29023 (*Initiation).* We have corrected this error by removing the phrase ''or pre-opened'' from the scope for this final determination.

[8] *See* Memorandum, ''Less-Than-Fair-Value Investigation of Fine Denier Polyester Staple Fiber from India: Verification of the Sales Questionnaire Responses of Reliance Industries Limited,'' dated March 13, 2018; and Memorandum, ''Verification of the Cost Response of Reliance Industries Limited in the Less-Than-Fair-Value Investigation of Fine Denier Polyester Staple Fiber from India,'' dated March 27, 2018.

[9] *See also* Statement of Administrative Action (SAA), H.R. Doc. 103–316, 103d Cong., 2d Session, vol 1 (1994) SAA at 873 (explaining that if all the rates are ''determined entirely on the basis of the facts available or are zero or *de minimis,*'' the ''expected method in such cases will be to weight-average'' the rates available. *See also Albemarle Corp. & Subsidiaries* v. *United States,* 821 F.3d 1345, 1351–54 (Fed. Cir. 2016) (explaining and relying on the ''expected method,'' as directed by the SAA).

[10] *See* SAA accompanying the Uruguay Round Agreements Act, H.R. Doc. No. 103–316 at 873 (1994), reprinted in 1994 U.S.C.C.A.N. 4040, 4200.

[11] *See, e.g., Notice of Preliminary Determination of Sales at Less Than Fair Value: Sodium Nitrite from the Federal Republic of Germany,* 73 FR 21909, 21912 (April 23, 2008), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Sodium Nitrite from the Federal Republic of Germany,* 73 FR 38986, 38987 (July 8, 2008), and accompanying Issues and Decision Memorandum at Comment 2; *see also Steel Threaded Rod from Thailand: Preliminary Determination of Sales at Less Than Fair Value and Affirmative Preliminary Determination of Critical Circumstances,* 78 FR 79670, 79671 (December 31, 2013), unchanged in *Steel Threaded Rod from Thailand: Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances,* 79 FR 14476, 14477 (March 14, 2014). *See also Notice of Final Determination of Sales at Less Than Fair Value: Raw Flexible Magnets from Taiwan,* 73 FR 39673, 39674 (July 10, 2008).

[12] *See Certain Cold-Rolled Steel Flat Products from Japan: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances,* 81 FR 32721 (May 24, 2016); *Notice of Final Determination of Sales at Less than Fair Value: Purified Carboxymethylcellulose from Sweden,* 70 FR 28278 (May 17, 2005); and *Notice of Final Determination of Sales at Less Than Fair Value: Ferrovanadium from the Republic of South Africa,* 67 FR 71136 (November 29, 2002).

Exporter/producer	Estimated weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offset(s)) (percent)
Reliance Industries Limited	21.43	14.48
Bombay Dyeing & Manufacturing Company Limited	21.43	15.49
All-Others	21.43	14.67

Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of fine denier PSF from India as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after January 5, 2018, the date of publication of the *Preliminary Determination* of this investigation in the **Federal Register**.

Pursuant to section 735(c)(1)(B) of the Act and 19 CFR 351.210(d), Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) The cash deposit rate for the respondents listed above will be equal to the respondent-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the respondent-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and/or exporters will be equal to the all-others estimated weighted-average dumping margin.

Further, Commerce will instruct CBP to require a cash deposit equal to the estimated amount by which the normal value (NV) exceeds the U.S. price, as shown above, adjusted where appropriate for export subsidies found in the final determination of the companion countervailing duty investigation. Consistent with Commerce's practice, where the product under investigation is also subject to a concurrent countervailing duty investigation, Commerce instructs CBP to require a cash deposit equal to the amount by which the NV exceeds the U.S. price, less the amount of the countervailing duty determined to constitute any export subsidies.[13] Because a countervailing duty order has been issued with respect to fine denier PSF from India and suspension of liquidation is occurring with respect to this order, Commerce will instruct CBP to require cash deposits adjusted by the amount of export subsidies, as appropriate. These adjustments are reflected in the final column of the rate chart, above.[14] Therefore, so long as suspension of liquidation continues under this antidumping duty investigation, the cash deposit rates for this antidumping duty investigation will be the rates identified in the final column of the rate chart, above. These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with a final determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of the notice of final determination in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because Commerce applied AFA to the individually examined companies, RIL and Bombay Dyeing, in this investigation, in accordance with section 776 of the Act, and the applied AFA rate is based solely on the petition, there are no calculations to disclose.

International Trade Commission Notification

In accordance with section 735(d) of the Act, Commerce will notify the International Trade Commission (ITC) of its final affirmative determination. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2)(B) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of fine denier PSF from India no later than 45 days after Commerce's final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on appropriate imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification to Interested Parties

This notice serves as a reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a violation subject to sanction.

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act and 19 CFR 351.201(c).

Dated: May 23, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigation

The merchandise covered by this investigation is fine denier polyester staple fiber (fine denier PSF), not carded or combed, measuring less than 3.3 decitex (3 denier) in diameter. The scope covers all fine denier PSF, whether coated or uncoated. The

[13] *See, e.g., Welded Line Pipe from the Republic of Turkey: Final Determination of Sales at Less Than Fair Value,* 80 FR 61362, 61364 (October 13, 2015); *Notice of Final Determination of Sales at Less Than Fair Value and Negative Critical Circumstances Determination: Bottom Mount Combination Refrigerator-Freezers from the Republic of Korea,* 77 FR 17413, 17417 (March 26, 2012).

[14] *See Countervailing Duty Investigation of Fine Denier Polyester Staple Fiber from India: Final Affirmative Determination,* 83 FR 3122 (January 23, 2018); *see also Fine Denier Polyester Staple Fiber from the People's Republic of China and India: Amended Final Affirmative Countervailing Duty Determination for the People's Republic of China and Countervailing Duty Orders for the People's Republic of China and India,* 83 FR 12149 (March 20, 2018).

following products are excluded from the scope:

(1) PSF equal to or greater than 3.3 decitex (more than 3 denier, inclusive) currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 5503.20.0045 and 5503.20.0065.

(2) Low-melt PSF defined as a bi-component polyester fiber having a polyester fiber component that melts at a lower temperature than the other polyester fiber component, which is currently classifiable under HTSUS subheading 5503.20.0015.

Fine denier PSF is classifiable under the HTSUS subheading 5503.20.0025. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. List of Issues
III. Background
IV. Scope of the Investigation
V. Discussion of the Issues
  Comment 1: Whether Commerce Should Apply Total Adverse Facts Available
  Comment 2: Whether Commerce Should Apply Partial AFA to Certain Freight Expenses
  Comment 3: Whether Commerce Should Reduce RIL's Billing Adjustments
  Comment 4: Whether Commerce Should Reject RIL's Inland Freight to Warehouse
  Comment 5: Whether Commerce Should Reject RIL's Reported Warranty Expenses
  Comment 6: Whether Commerce Should Rely on RIL's Rebate and Commission Fields
  Comment 7: Whether Commerce Should Correct an Error in RIL's Margin Program
  Comment 8: Reliance Artificially Understated the Reported Costs by Reporting Chain Cost and Withholding the Cost Reconciliation in the Form and Manner Requested by Commerce
  Comment 9: Reliance understated the Reported General and Administrative (G&A) Expenses
  Comment 10: RIL Understated the Financial Expenses
VI. Recommendation

[FR Doc. 2018–11710 Filed 5–29–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–060]

Fine Denier Polyester Staple Fiber From the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that fine denier polyester staple fiber (fine denier PSF) from the People's Republic of China (China) is being, or is likely to be, sold in the United States at less-than-fair value. The period of investigation is October 1, 2016, through March 31, 2017.

DATES: Applicable May 30, 2018.

FOR FURTHER INFORMATION CONTACT: Edythe Artman or John McGowan, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3931 or (202) 482–3019, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 5, 2018, Commerce published the *Preliminary Determination* of this antidumping duty investigation, as provided by section 733 of the Tariff Act of 1930, as amended (the Act). Commerce preliminarily found that fine denier PSF from China was sold at LTFV.[1] A summary of the events that have occurred since Commerce published the *Preliminary Determination,* as well as a full discussion of the issues raised by interested parties for this final determination, may be found in the Issues and Decision Memorandum.[2] The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.*

Commerce has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from January 20 through 22, 2018. The revised deadline for the final determination in this investigation is now May 23, 2018.[3]

Scope Comments

We provided parties an opportunity to provide comments on all issues regarding product coverage (*i.e.,* scope).[4] Certain interested parties commented on the scope of the investigation as it appeared in the *Preliminary Determination.*[5] For a summary of the product coverage comments and rebuttals submitted to the record of this investigation, and our accompanying discussion and analysis of the comments and rebuttals that were timely received, see the Final Scope Decision Memorandum.[6] Based on parties' comments, we made no changes to the scope of the investigation, as it appeared in the *Preliminary Determination.*[7] The product covered by this investigation is fine denier PSF from China. For a complete description of the scope of this investigation, *see* Appendix I.

Verification

As provided in section 782(i) of the Act, we conducted verifications of the sales and factors-of-production information reported by Jiangyin Hailun Chemical Fiber Co., Ltd. (Hailun)[8] and

[1] *See Fine Denier Polyester Staple Fiber from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 83 FR 665 (January 5, 2018) (*Preliminary Determination*) and the accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Determination of the Less-Than-Fair-Value Investigation of Fine Denier Polyester Staple Fiber from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See* Memorandum for The Record from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government'' (Tolling Memorandum), dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by three days.

[4] *See* Memorandum, ''Due Dates for Case and Rebuttal Briefs Regarding the Scope,'' dated December 11, 2017.

[5] *See Preliminary Determination.*

[6] *See* Memorandum, ''Fine Denier Polyester Staple Fiber from the People's Republic of China, India, Republic of Korea, and Taiwan: Scope Comments Decision Memorandum for the Final Determinations,'' dated January 16, 2018 (Final Scope Memorandum).

[7] While we made no changes to the scope based on parties' comments, we discovered that we inadvertently included the phrase ''or pre-opened'' in the scope in the *Preliminary Determination.* This phrase was not included in the scope in the *Initiation* (*see Fine Denier Polyester Staple Fiber from the People's Republic of China, India, the Republic of Korea, Taiwan, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations,* 82 FR 29023 (*Initiation).* We have corrected this error by removing the phrase ''or pre-opened'' from the scope for this final determination.

[8] We have determined that Hailun and several affiliates should be collapsed and treated as a single entity for purposes of this investigation. *See* Memorandum from Commerce, ''Less-Than-Fair-Value Investigation of Fine Denier Polyester Staple Fiber from the People's Republic of China: Affiliation and Collapsing Status for Jiangyin Hailun Chemical Fiber Co. Ltd.,'' dated December 18, 2017. Therefore, any reference to Hailun in this notice refers to the collapsed entity including the

Jiangyin Huahong Chemical Fiber Co., Ltd. (Huahong).[9] We used standard verification procedures, including an examination of relevant accounting and production records and original source documents provided by the respondents.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of these issues is attached to this notice as Appendix II.

Changes to the Dumping Margin Since the Preliminary Determination

Based on Commerce's analysis of the comments received and findings at verification, we made certain changes to our dumping margin calculations. For further discussion, *see* the Issues and Decision Memorandum.

China-Wide Entity

For the reasons explained in the *Preliminary Determination,* we are continuing to find that the use of adverse facts available (AFA), pursuant to sections 776(a) and (b) of the Act, is appropriate and are applying a rate based entirely on AFA to the China-wide entity. Commerce did not receive timely responses to its quantity and value (Q&V) questionnaire, separate rate applications, or separate rate supplemental questionnaires from certain exporters and/or producers of subject merchandise that were named in the petition and to which Commerce issued Q&V questionnaires.[10] As these non-responsive China companies did not demonstrate that they are eligible for separate rate status, Commerce continues to consider them to be a part of the China-wide entity. Consequently, we continue to find that the China-wide entity withheld requested information, significantly impeded the proceeding, and failed to cooperate to the best of their abilities, and thus we are continuing to base the China-wide entity's rate on AFA.

China-Wide Rate

In selecting the AFA rate for the China-wide entity, Commerce's practice is to select a rate that is sufficiently adverse to ensure that the uncooperative party does not obtain a more favorable result by failing to cooperate than if it had fully cooperated.[11] Specifically, it is Commerce's practice to select, as an AFA rate, the higher of: (a) The highest dumping margin alleged in the petition; or, (b) the highest calculated dumping margin of any respondent in the investigation.[12] As AFA, Commerce has assigned to the China-wide entity the rate of 103.06 percent, which is the highest dumping margin alleged in the petition.[13]

Combination Rates

In the *Initiation Notice,* Commerce stated that it would calculate combination rates for the respondents that are eligible for a separate rate in this investigation.[14] Accordingly, we have assigned combination rates to Hailun and Huahong, along with 14 other companies receiving a separate rate, as provided in the ''Final Determination'' section below.[15]

Final Determination

Commerce determines that the following estimated weighted-average dumping margins exist:

Producer	Exporter	Weighted-average margin (percent)	Cash deposit adjusted for subsidy offset (percent)
Jiangyin Hailun Chemical Fiber Co. Ltd./Jiangyin Xinlun Chemical Fiber Co., Ltd./Jiangyin Yunlun Chemical Fiber Co., Ltd./Jiangyin Bolun Chemical Fiber Co., Ltd./Jiangyin Fenghua Synthetic Fiber Co., Ltd./Jiangyin Huamei Special Fiber Co., Ltd./Jiangyin Huasheng Polymerization Co., Ltd./Jiangyin Huayi Polymerization Co., Ltd./Jiangyin Huaxing Synthetic Co., Ltd./Jiangyin Xingsheng Plastic Co., Ltd.	Jiangyin Hailun Chemical Fiber Co. Ltd	72.22	72.22
Jiangyin Huahong Chemical Fiber Co., Ltd./Jiangyin Huakai Polyester Co., Ltd./Jiangyin Hongkai Chemical Fiber Co., Ltd.	Jiangyin Huahong Chemical Fiber Co., Ltd	65.17	65.11
Hangzhou Best Chemical Fiber Co., Ltd	Hangzhou Best Chemical Fiber Co., Ltd	68.70	68.64
Cixi Jiangnan Chemical Fiber Co. Ltd	Cixi Jiangnan Chemical Fiber Co. Ltd	68.70	68.64
Jiangsu Xinsu Chemical Fiber Co., Ltd	Jiangsu Xinsu Chemical Fiber Co., Ltd	68.70	68.64
Jiangyin Jinyan Chemical Fiber Co., Ltd./Jiangsu Xiang He Tai Fiber Technology Co., Ltd.	Jiangyin Jinyan Chemical Fiber Co., Ltd	68.70	68.64

following companies: Jiangyin Hailun Chemical Fiber Co., Ltd.; Jiangyin Xinlun Chemical Fiber Co., Ltd.; Jiangyin Yunlun Chemical Fiber Co., Ltd.; Jiangyin Bolun Chemical Fiber Co., Ltd.; Jiangyin Fenghua Synthetic Fiber Co., Ltd.; Jiangyin Huamei Special Fiber Co., Ltd.; Jiangyin Huasheng Polymerization Co., Ltd.; Jiangyin Huayi Polymerization Co., Ltd.; Jiangyin Huaxing Synthetic Co., Ltd.; and Jiangyin Xingsheng Plastic Co., Ltd.

[9] We have determined that Huahong and two affiliates should be collapsed and treated as a single entity for purposes of this investigation. *See* Memorandum from Commerce, ''Less-Than-Fair-Value Investigation of Fine Denier Polyester Staple Fiber from the People's Republic of China: Affiliation and Collapsing Memorandum for Jiangyin Huahong Chemical Fiber Co., Ltd., Jiangyin Huakai Polyester Co., Ltd., and Jiangyin Hongkai Chemical Fiber Co., Ltd.,'' dated December 18, 2017. Therefore, any reference to Huahong in this notice refers to the collapsed entity including the following companies: Jiangyin Huahong Chemical Fiber Co., Ltd., Jiangyin Huakai Polyester Co., Ltd., and Jiangyin Hongkai Chemical Fiber Co., Ltd.

[10] *See* Preliminary Decision Memorandum at Separate Rate Section.

[11] *See, e.g., Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Purified Carboxymethyl cellulose from Finland, 69 FR 77216 (December 27, 2004), unchanged in Notice of Final Determination of Sales at Less Than Fair Value: Purified Carboxymethyl cellulose from Finland,* 70 FR 28279 (May 17, 2005).

[12] *See, e.g., Certain Stilbenic Optical Brightening Agents from the People's Republic of China: Final Determination of Sales at Less Than Fair Value, 77 FR 17436, 17438 (March 26, 2012); Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Flat-Rolled Carbon Quality Steel Products from the People's Republic of China,* 65 FR 34660 (May 31, 2000), and accompanying Issues and Decision Memorandum.

[13] *See* Issues and Decision Memorandum at 4–5 for additional information.

[14] *See Fine Denier Polyester Staple Fiber from the People's Republic of China, India, the Republic of Korea, Taiwan, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations,* 82 FR 29023, 29028 (June 27, 2017) (*Initiation Notice*); *see also* Enforcement and Compliance Policy Bulletin No. 05.1 ''Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations involving Non-Market Economy Countries,'' (April 5, 2005), available on Commerce's website at *http://enforcement.trade.gov/policy/bull05-1.pdf.*

[15] The dumping margin for the separate rate companies is based on a simple average of the rates from both mandatory respondents, offset by the export subsidy adjustment for the all-others' rate in the companion countervailing duty case. *See* the Issues and Decision Memorandum at 7 for additional information.

Producer	Exporter	Weighted-average margin (percent)	Cash deposit adjusted for subsidy offset (percent)
Jiangsu Hengze Composite Materials Technology Co., Ltd./Chuzhou Prosperity Environmental Protection Color Fiber Co., Ltd./Jiangsu Xiang He Tai Fiber Technology Co., Ltd./Jiangyin Hengfeng Chemical Fiber Co., Ltd./Jiangyin Shunze Chemical Fiber Co., Ltd.	Jiangyin Yangxi International Trade Co., Ltd	68.70	68.64
Zhejiang Jinfuchun Industrial Co., Ltd	Zhejiang Jinfuchun Industrial Co., Ltd	68.70	68.64
Nanyang Textile Co., Ltd	Nanyang Textile Co., Ltd	68.70	68.64
Ningbo Dafa Chemical Fiber Co. Ltd	Ningbo Dafa Chemical Fiber Co. Ltd	68.70	68.64
Zhaoqing Tifo New Fibre Co., Ltd	Zhaoqing Tifo New Fibre Co., Ltd	68.70	68.64
Jiangyin Yueda Chemical Fiber Limited Company/Hangzhou BenMa Chemical and Spinning Company Ltd./Yizheng Chemical Fiber Limited Liability Company.	Unifi Textiles (Suzhou) Co., Ltd	68.70	68.64
Yuyao Dafa Chemical Fiber Co., Ltd	Yuyao Dafa Chemical Fiber Co., Ltd	68.70	68.64
Jiangyin Jindun Chemical Fiber Co., Ltd	Zhangjiagang City Hongtuo Chemical Fiber Co., Ltd.	68.70	68.64
Zhejiang Huashun Technology Co., Ltd	Zhejiang Linan Foreign Trade Co., Ltd	68.70	68.64
Suzhou Zhengbang Chemical Fiber Co., Ltd	Suzhou Zhengbang Chemical Fiber Co., Ltd	68.70	68.64
China-Wide Entity		103.06	103.00

Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of fine denier PSF from China as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after January 5, 2018, the date of publication of the *Preliminary Determination* of this investigation in the **Federal Register**.

Further, pursuant to 19 CFR 351.210(d), upon the publication of this notice, Commerce will instruct CBP to require a cash deposit equal to the weighted-average amount by which the normal value exceeds U.S. price as follows: (1) The cash deposit rate for the exporter/producer combinations listed in the table above will be the rate identified in the table; (2) for all combinations of Chinese exporters/producers of merchandise under consideration that have not received their own separate rate above, the cash-deposit rate will be the cash deposit rate established for the China-wide entity; and (3) for all non-Chinese exporters of merchandise under consideration which have not received their own separate rate above, the cash-deposit rate will be the cash deposit rate applicable to the Chinese exporter/producer combination that supplied that non-Chinese exporter. These suspension of liquidation instructions will remain in effect until further notice.

Consistent with our practice, where the product under investigation is also subject to a concurrent countervailing duty investigation, we will instruct CBP to require a cash deposit equal to the estimated amount by which the normal value exceeds the export price or constructed export price, adjusted where appropriate for export subsidies.[16] Accordingly, as discussed in further detail in the Issues and Decision Memorandum, we have adjusted the cash deposit rates for Huahong, non-selected separate rate respondents, and the China-wide entity by 0.06 percent.[17] These adjustments are reflected in the final column of the rate chart, above. Furthermore, we are not adjusting the final determination for estimated domestic subsidy pass-through because the respondents failed to substantiate a subsidies-to-cost link and a cost-to-price-link.[18] Because a companion countervailing duty order has been issued,[19] and suspension of liquidation on fine denier PSF from China continues pursuant to that order, Commerce will continue to instruct CBP to require cash deposits adjusted by the amount of export subsidies, as appropriate.

Disclosure

We will disclose to interested parties the calculations performed in this proceeding within five days of the date of announcement of this determination in accordance with 19 CFR 351.224(b).

International Trade Commission Notification

In accordance with section 735(d) of the Act, Commerce will notify the International Trade Commission (ITC) of its final affirmative determination. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2)(B) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of fine denier PSF from China no later than 45 days after Commerce's final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on appropriate imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification to Interested Parties

This notice serves as a reminder to parties subject to an administrative protective order (APO) of their

[16] *See* section 772(c)(1)(C) of the Act. Unlike in administrative reviews, Commerce makes an adjustment for export subsidies in an LTFV investigation not in the calculation of the weighted-average dumping margin, but in the cash deposit instructions issued to U.S. Customs and Border Protection. *See Notice of Final Determination of Sales at Less Than Fair Value, and Negative Determination of Critical Circumstances: Certain Lined Paper Products from India,* 71 FR 45012 (August 8, 2006), and accompanying Issues and Decision Memorandum at Comment 1.

[17] See Issues and Decision Memorandum at pages 6–8.

[18] *Id.* at Comment 2.

[19] *See Fine Denier Polyester Staple Fiber from the People's Republic of China and India: Amended Final Affirmative Countervailing Duty Determination for the People's Republic of China and Countervailing Duty Orders for the People's Republic of China and India,* 83 FR 11681 (March 16, 2018).

responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a violation subject to sanction.

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act and 19 CFR 351.210(c).

Dated: May 23, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigation

The merchandise covered by this investigation is fine denier polyester staple fiber (fine denier PSF), not carded or combed, measuring less than 3.3 decitex (3 denier) in diameter. The scope covers all fine denier PSF, whether coated or uncoated. The following products are excluded from the scope:

(1) PSF equal to or greater than 3.3 decitex (more than 3 denier, inclusive) currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 5503.20.0045 and 5503.20.0065.

(2) Low-melt PSF defined as a bi-component polyester fiber having a polyester fiber component that melts at a lower temperature than the other polyester fiber component, which is currently classifiable under HTSUS subheading 5503.20.0015.

Fine denier PSF is classifiable under the HTSUS subheading 5503.20.0025. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. List of Issues
III. Background
IV. Scope of the Investigation
V. Selection and Corroboration of the Adverse Facts Available Rate Applied to the China-Wide Entity
VI. Adjustments to Cash Deposit Rates
VII. Discussion of the Issues
  Comment 1: Surrogate Country and Surrogate Value Selections for PTA
  Comment 2: Hailun and Huahong's Double Remedy Adjustments
  Comment 3: Calculations for Hailun's Purchased and Consigned PET Melt
VIII. Recommendation

[FR Doc. 2018–11714 Filed 5–29–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–893]

Fine Denier Polyester Staple Fiber From the Republic of Korea: Final Affirmative Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that fine denier polyester staple fiber (fine denier PSF) from the Republic of Korea (Korea) is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is April 1, 2016, through March 31, 2017.

DATES: Applicable May 30, 2018.

FOR FURTHER INFORMATION CONTACT: Karine Gziryan or Celeste Chen, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4081 of (202) 482–0890 respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 5, 2018, Commerce published the *Preliminary Determination* of this antidumping duty investigation, as provided by section 735 of the Tariff Act of 1930, as amended (the Act). Commerce preliminarily found that fine denier PSF from Korea was sold at LTFV.[1] A summary of the events that have occurred since Commerce published the *Preliminary Determination,* as well as a full discussion of the issues raised by interested parties for this final determination, may be found in the Issues and Decision Memorandum.[2] The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.*

Commerce has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from January 20 through 22, 2018. The revised deadline for the final determination in this investigation is now May 23, 2018.[3]

Scope Comments

We provided parties an opportunity to provide comments on all issues regarding product coverage (*i.e.,* scope).[4] Certain interested parties commented on the scope of the investigation as it appeared in the *Preliminary Determination.*[5] For a summary of the product coverage comments and rebuttals submitted to the record of this investigation, and our accompanying discussion and analysis of the comments and rebuttals that were timely received, see the Final Scope Decision Memorandum.[6] Based on parties' comments, we made no changes to the scope of the investigation, as it appeared in the *Preliminary Determination.*[7] The product covered by this investigation is fine denier PSF from Korea. For a complete description of the scope of this investigation, *see* Appendix I.

[1] *See Fine Denier Polyester Staple Fiber from Korea: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 83 FR 660 (January 5, 2018), and accompanying Preliminary Decision Memorandum (collectively, *Preliminary Determination*).

[2] *See* Memorandum, ''Fine Denier Polyester Staple Fiber from Korea: Issues and Decision Memorandum for the Final Affirmative Determination in the Less Than Fair Value,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See* Memorandum for The Record from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government'' (Tolling Memorandum), dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by three days.

[4] *See* Memorandum, ''Due Dates for Case and Rebuttal Briefs Regarding the Scope,'' dated December 11, 2017

[5] *See Preliminary Determination.*

[6] *See* Memorandum, ''Fine Denier Polyester Staple Fiber from the People's Republic of China, India, Republic of Taiwan, and Korea: Scope Comments Decision Memorandum for the Final Determinations,'' dated January 16, 2018 (Final Scope Memorandum).

[7] While we made no changes to the scope based on parties' comments, we discovered that we inadvertently included the phrase ''or pre-opened'' in the scope in the *Preliminary Determination.* This phrase was not included in the scope in the *Initiation* (*see Fine Denier Polyester Staple Fiber from the People's Republic of China, India, the Republic of Korea, Korea, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations,* 82 FR 29023 (*Initiation*). We have corrected this error by removing the phrase ''or pre-opened'' from the scope for this final determination.

Verification

As provided in section 782(i) of the Act, from January 15 through 19, 2018, we conducted a verification of the information reported by the mandatory respondent Toray Chemical Korea Inc. (TCK), for use in this final determination.[8] We used standard verification procedures, including an examination of relevant accounting and production records and original source documents provided by the respondent.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of these issues is attached to this notice as Appendix II.

Application of Adverse Facts Available (AFA)

As in the *Preliminary Determination,* pursuant to section 776(a) and (b) of the Act, Commerce has continued to base Huvis Corporation's (Huvis) and Down Nara, Co., Ltd.'s (Down Nara) dumping margin on the facts otherwise available, with an adverse inference, because the companies did not respond to Commerce's questionnaire or otherwise participate in the investigation.[9] In addition, as part of the AFA determination with respect to Down Nara, Commerce has determined that Koreco Synthetic Fiber Co., Ltd. is the successor-in-interest to Down Nara and we have updated the rate chart below accordingly.[10]

Changes Since the Preliminary Determination

Based on our analysis of the comments received, we made changes to the dumping margin calculations for TCK. For further discussion, *see* the Issues and Decision Memorandum.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that in the final determination Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

Pursuant to section 735(c)(5)(B) of the Act, if the estimated weighted-average dumping margins established for all exporters and producers individually examined are zero, *de minimis* or determined based entirely on facts otherwise available, Commerce may use any reasonable method to establish the estimated weighted-average dumping margin for all-other producers and/or exporters, including averaging the estimated weighted average dumping margins determined for the exporters and producers individually investigated.'' Because (1) the dumping margin for Huvis Corporation and Down Nara, Co., Ltd. is based on AFA and (2) the dumping margin for Toray Chemical Kora Inc. (TCK) is zero, pursuant to section 735(c)(5)(B) of the Act, we calculated the ''all-others''' rate as a simple average of the dumping margins of Huvis Corporation, Down Nara, Co., Ltd. and TCK.

Final Determination

Commerce determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Toray Chemical Korea Inc	0.00
Huvis Corporation	45.23
Down Nara, Co., Ltd., Down-Nara, Co., Ltd. (AKA Koreco Synthetic Fiber Co., Ltd.)	45.23
All-Others	30.15

Consistent with section 735(a)(4) of the Act, based on the zero rate for TCK, Commerce determined that TCK has not sold merchandise which it produced and exported at LTFV.

Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of fine denier PSF from Korea as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after January 5, 2018, the date of publication of the *Preliminary Determination* of this investigation in the **Federal Register**. Further, pursuant to section 735(c)(1)(B) of the Act and 19 CFR 351.210(d), Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) The cash deposit rate for the respondents listed above will be equal to the respondent-specific estimated weighted-average dumping margins determined in this final determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the respondent-specific estimated weighted-average dumping margin established for that producer of the subject merchandise, except as explained below; and (3) the cash deposit rate for all other producers and/or exporters will be equal to the all-others estimated weighted-average dumping margin.

Because the estimated weighted-average dumping margin for TCK is zero, entries of shipments of subject merchandise both produced and exported by TCK will not be subject to suspension of liquidation or cash deposit requirements. In such situations, Commerce applies the exclusion to the provisional measures to the producer/exporter combination that was examined in the investigation. Accordingly, Commerce is directing CBP to not suspend liquidation of entries of subject merchandise exported and produced by TCK. Entries of shipments of subject merchandise from TCK in any other producer/exporter combination, or by third parties that sourced subject merchandise from the excluded producer/exporter combination, are subject to the provisional measures at the all-others rate.

Because the final estimated weighted-average dumping margin for subject merchandise exported and produced by TCK is zero, entries of shipments of subject merchandise from this producer/exporter combination will be excluded from the antidumping duty order. This exclusion is not applicable to merchandise exported to the United States by TCK in any other producer/exporter combinations or by third parties that sourced subject merchandise from the excluded producer/exporter combination.

[8] *See* Memorandum, ''Verification of the Sales Response of Toray Chemical Korea Inc. in the Antidumping Investigation of Fine Denier Polyester Staple Fiber from the Republic of Korea,'' dated March 7, 2018; and Memorandum, ''Verification of the Cost Response of Toray Chemical Korea, Inc. in the Antidumping Duty Investigation of Fine Denier Polyester Staple Fiber from the Republic of Korea,'' dated March 22, 2018.

[9] *See* Huvis' Letter, ''Fine Denier Polyester Staple Fiber from the Republic of Korea: Notice of Intent Not to Participate,'' dated August 10, 2017 and Down Nara did not respond to Commerce's AD questionnaire.

[10] For further information, *see* Issues and Decision Memorandum at Comment 2 and memorandum ''Antidumping Duty Investigation of Fine Denier Polyester Staple Fiber from the Republic of Korea: Proprietary Discussion of Issues Contained in the Issues and Decision Memorandum'' dated concurrently with this **Federal Register** notice.

These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Commerce intends to disclose to interested parties its calculations and analysis performed in this final determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

International Trade Commission Notification

In accordance with section 735(d) of the Act, Commerce will notify the International Trade Commission (ITC) of its final affirmative determination. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2)(B) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of fine denier PSF from Korea no later than 45 days after Commerce's final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on appropriate imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification to Interested Parties

This notice serves as a reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a violation subject to sanction.

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act and 19 CFR 351.210(c).

Dated: May 23, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigation

The merchandise covered by this investigation is fine denier polyester staple fiber (fine denier PSF), not carded or combed, measuring less than 3.3 decitex (3 denier) in diameter. The scope covers all fine denier PSF, whether coated or uncoated. The following products are excluded from the scope:

(1) PSF equal to or greater than 3.3 decitex (more than 3 denier, inclusive) currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 5503.20.0045 and 5503.20.0065.

(2) Low-melt PSF defined as a bi-component polyester fiber having a polyester fiber component that melts at a lower temperature than the other polyester fiber component, which is currently classifiable under HTSUS subheading 5503.20.0015.

Fine denier PSF is classifiable under the HTSUS subheading 5503.20.0025. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. List of Issues
- Comment 1: Whether to Apply Total AFA to TCK Based on Verification
- Comment 1(a): Minor Corrections
- Comment 1(b): Tolling Arrangement
- Comment 1(c): Misreported Sales of Products Not Produced
- Comment 1(d): Failure to Provide Correct Translations
- Comment 2: Whether to Apply AFA to Down Nara
- Comment 3: Whether Commerce's Calculation of the ''All-Others'' Rate is Supported by its Practice and Is Consistent with the Statute and Court Precedent
- Comment 4: Whether the Totality of Circumstances Regarding Cost Reporting Warrants Application of Total or Partial AFA.
- Comment 5: Whether Commerce Should Adjust the Purchases of EG for Physical Inventory Adjustments and Certain Ancillary Costs.
- Comment 6: Whether Commerce Should Adjust TCK's Reported Unit Costs of Manufacture for the Subject Fine Denier PSF
- Comment 6(a): Pattern of Understatement
- Comment 6(b): Physical Characteristics
- Comment 6(c): SAP® System
- Comment 6(d): PET Chips
- Comment 6(e): TPA Consumption
- Comment 6(f): Affiliated PET Chips Purchases
- Comment 7: Whether Commerce Should Adjust the Affiliated Trading Company's SG&A Expense Rate Calculation
- Comment 8: Whether Commerce Should Adjust the Cost and Sales of Certain Product Codes
- Comment 9: Whether Commerce Should Deny the Offset to G&A Expenses
- Comment 10: Whether Commerce Should Adjust the Non-Operating Income Used to Offset the G&A and Financial Expenses
- Comment 11: Whether Commerce Should Continue to Apply the Affiliated Party Purchases Adjustment
- Comment 12: Whether Commerce Should Eliminate the Unreconciled Difference Adjustment to TCK's Reported Costs

III. Background
IV. Scope of the Investigation
V. Discussion of the Issues
VI. Recommendation

[FR Doc. 2018–11711 Filed 5–29–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–860]

Fine Denier Polyester Staple Fiber From Taiwan: Final Affirmative Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that fine denier polyester staple fiber (fine denier PSF) from Taiwan is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is April 1, 2016, through March 31, 2017.

DATES: Applicable May 30, 2018.

FOR FURTHER INFORMATION CONTACT: Lilit Astvatsatrian, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6412.

SUPPLEMENTARY INFORMATION:

Background

On January 5, 2018, Commerce published the *Preliminary Determination* of this antidumping duty investigation, as provided by section 735 of the Tariff Act of 1930, as amended (the Act). Commerce preliminarily found that fine denier PSF from Taiwan was sold at LTFV.[1] A

[1] *See Fine Denier Polyester Staple Fiber from Taiwan: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of*

Continued

summary of the events that have occurred since Commerce published the *Preliminary Determination,* as well as a full discussion of the issues raised by interested parties for this final determination, may be found in the Issues and Decision Memorandum.[2] The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.*

Commerce has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from January 20 through 22, 2018. The revised deadline for the final determination in this investigation is now May 23, 2018.[3]

Scope Comments

We provided parties an opportunity to provide comments on all issues regarding product coverage (*i.e.,* scope).[4] Certain interested parties commented on the scope of the investigation as it appeared in the *Preliminary Determination.*[5] For a summary of the product coverage comments and rebuttals submitted to the record of this investigation, and our accompanying discussion and analysis of the comments and rebuttals that were timely received, see the Final Scope Decision Memorandum.[6] Based on parties' comments, we made no changes to the scope of the investigation, as it appeared in the *Preliminary Determination.*[7] The product covered by this investigation is fine denier PSF from Taiwan. For a complete description of the scope of this investigation, *see* Appendix I.

Verification

As provided in section 782(i) of the Act, from January 8 through 19, 2018, we conducted a verification of the information reported by the mandatory respondent Tainan Spinning Co., Ltd. (TSCL), for use in this final determination.[8] We used standard verification procedures, including an examination of relevant accounting and production records and original source documents provided by the respondent.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of these issues is attached to this notice as Appendix II.

Application of Adverse Facts Available (AFA)

As in the *Preliminary Determination,* pursuant to sections 776(a) and (b) of the Act, Commerce has continued to base Far Eastern Textile, Ltd.'s (Far Eastern)[9] dumping margin on the facts otherwise available, with an adverse inference, because the company did not respond to Commerce's questionnaire or otherwise participate in the investigation.[10]

Changes Since the Preliminary Determination

Based on our analysis of the comments received, we made certain changes to the dumping margin calculations for TSCL. For further discussion, *see* the Issues and Decision Memorandum.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that in the final determination Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

Pursuant to section 735(c)(5)(B) of the Act, if the estimated weighted-average dumping margins established for all exporters and producers individually examined are zero, *de minimis* or determined based entirely on facts otherwise available, Commerce may use ''any reasonable method to establish the estimated weighted-average dumping margin for all-other producers and/or exporters, including averaging the estimated weighted average dumping margins determined for the exporters and producers individually investigated.'' Because (1) the dumping margin for Far Eastern is based on AFA and (2) the dumping margin for TSCL is zero, pursuant to section 735(c)(5)(B) of the Act, we calculated the ''all-others''' rate as a simple average of the dumping margins of Far Eastern and TSCL.

Final Determination

Commerce determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Tainan Spinning Co., Ltd	0.00
Far Eastern Textile Ltd. (AKA Far Eastern New Century Corporation)	48.86
All-Others	24.43

Consistent with section 735(a)(4) of the Act, based on the zero rate for TSCL, Commerce has determined that TSCL has not sold merchandise which it produced and exported at LTFV.

Final Determination, and Extension of Provisional Measures, 83 FR 668 (January 5, 2018), and accompanying Preliminary Decision Memorandum (collectively, *Preliminary Determination*).

[2] *See* Memorandum, ''Fine Denier Polyester Staple Fiber from Taiwan: Issues and Decision Memorandum for the Final Affirmative Determination in the Less Than Fair Value,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See* Memorandum for The Record from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government'' (Tolling Memorandum), dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by three days.

[4] *See* Memorandum, ''Due Dates for Case and Rebuttal Briefs Regarding the Scope,'' dated December 11, 2017.

[5] *See Preliminary Determination.*

[6] *See* Memorandum, ''Fine Denier Polyester Staple Fiber from the People's Republic of China, India, Republic of Korea, and Taiwan: Scope Comments Decision Memorandum for the Final Determinations,'' dated January 16, 2018 (Final Scope Memorandum).

[7] While we made no changes to the scope based on parties' comments, we discovered that we inadvertently included the phrase ''or pre-opened'' in the scope in the *Preliminary Determination.* This phrase was not included in the scope in the *Initiation* (*see Fine Denier Polyester Staple Fiber from the People's Republic of China, India, the Republic of Korea, Taiwan, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations,* 82 FR 29023 (*Initiation*). We have corrected this error by removing the phrase ''or pre-opened'' from the scope for this final determination.

[8] *See* Memorandum, ''Antidumping Duty Investigation of Fine Denier Polyester Staple Fiber from Taiwan: Verification of the Sales Responses of Tainan Spinning Co., Ltd.,'' dated February 28, 2018; and Memorandum, ''Verification of the Cost Response of Tainan Spinning Co., Ltd. in the Less-Than-Fair-Value Investigation of Fine Denier Polyester Staple Fiber from Taiwan,'' dated February 27, 2018.

[9] Also known as Far Eastern New Century Corporation.

[10] *See* Memorandum, ''Antidumping Duty Investigation of Fine Denier Polyester Staple Fiber from Taiwan: Far Eastern Textile Ltd.,'' dated August 8, 2017, at Attachment I (Far Eastern Withdrawal).

Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of fine denier PSF from Taiwan as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after January 5, 2018, the date of publication of the *Preliminary Determination* of this investigation in the **Federal Register**. Further, pursuant to section 735(c)(1)(B) of the Act and 19 CFR 351.210(d), Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) The cash deposit rate for the respondents listed above will be equal to the respondent-specific estimated weighted-average dumping margins determined in this final determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the respondent-specific estimated weighted-average dumping margin established for that producer of the subject merchandise, except as explained below; and (3) the cash deposit rate for all other producers and/or exporters will be equal to the all-others estimated weighted-average dumping margin.

Because the estimated weighted-average dumping margin for TSCL is zero, entries of shipments of subject merchandise both produced and exported by TSCL will not be subject to suspension of liquidation or cash deposit requirements. In such situations, Commerce applies the exclusion to the provisional measures to the producer/exporter combination that was examined in the investigation. Accordingly, Commerce is directing CBP to not suspend liquidation of entries of subject merchandise produced and exported by TSCL. Entries of shipments of subject merchandise from TSCL in any other producer/exporter combination, or by third parties that sourced subject merchandise from the excluded producer/exporter combination, are subject to the provisional measures at the all-others rate.

Because the final estimated weighted-average dumping margin for subject merchandise produced and exported by TSCL is zero, entries of shipments of subject merchandise from this producer/exporter combination will be excluded from the antidumping duty order. This exclusion is not applicable to merchandise exported to the United States by TSCL in any other producer/exporter combinations or by third parties that sourced subject merchandise from the excluded producer/exporter combination.

These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Commerce intends to disclose to interested parties its calculations and analysis performed in this final determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

International Trade Commission Notification

In accordance with section 735(d) of the Act, Commerce will notify the International Trade Commission (ITC) of its final affirmative determination. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2)(B) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of fine denier PSF from Taiwan no later than 45 days after Commerce's final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on appropriate imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification to Interested Parties

This notice serves as a reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a violation subject to sanction.

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act and 19 CFR 351.210(c).

Dated: May 23, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigation

The merchandise covered by this investigation is fine denier polyester staple fiber (fine denier PSF), not carded or combed, measuring less than 3.3 decitex (3 denier) in diameter. The scope covers all fine denier PSF, whether coated or uncoated. The following products are excluded from the scope:

(1) PSF equal to or greater than 3.3 decitex (more than 3 denier, inclusive) currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 5503.20.0045 and 5503.20.0065.

(2) Low-melt PSF defined as a bi-component polyester fiber having a polyester fiber component that melts at a lower temperature than the other polyester fiber component, which is currently classifiable under HTSUS subheading 5503.20.0015.

Fine denier PSF is classifiable under the HTSUS subheading 5503.20.0025. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. List of Issues
III. Background
IV. Scope of the Investigation
V. Discussion of the Issues
Comment 1: Reported Costs for a Certain Product Control Number (CONNUM)
Comment 1(a): Direct Material Costs
Comment 1(b): Allocation of Labor and Overhead
Comment 1(c): Market Price Methodology for Grades B and C PSF
Comment 1(d): Scrap Offset Calculation
Comment 2: Factoring Agreement
Comment 3: Packing Cost
Comment 4: Application of Partial Facts Available
VI. Recommendation

[FR Doc. 2018–11712 Filed 5–29–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

[Docket No. 180427421–8421–01]

RIN 0660–XC042

Improving the Quality and Accuracy of Broadband Availability Data

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce

ACTION: Notice and request for comments.

SUMMARY: The National Telecommunications and Information Administration (NTIA), on behalf of the Department of Commerce (Department), is requesting comment on actions that can be taken to improve the quality and accuracy of broadband availability data, particularly in rural areas, as part of the activities directed by Congress in the Consolidated Appropriations Act of 2018. Through this Request for Comments (RFC), NTIA seeks input from a broad range of interested stakeholders—including private industry; academia; federal, state, and local government; not-for-profits; and other stakeholders with an interest in broadband availability—on ways to improve the nation's ability to analyze broadband availability, with the intention of identifying gaps in broadband availability that can be used to improve policymaking and inform public investments.

DATES: Comments are due on or before 5 p.m. Eastern Daylight Time on July 16, 2018.

ADDRESSES: Written comments may be submitted by email to *mappingrfc@ntia.doc.gov.* Written comments may also be submitted by mail to the National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 4887, Attn: Douglas Kinkoph, Associate Administrator, Washington, DC 20230. For more instructions about submitting comments, see the ''Instructions for Commenters'' section of **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Andy Spurgeon, tel.: (720) 389–4900, email: *aspurgeon@ntia.doc.gov,* or Tim Moyer, tel.: (202) 482–6423, email: *tmoyer@ntia.doc.gov,* National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 4725, Washington, DC 20230. Please direct media inquiries to NTIA's Office of Public Affairs, (202) 482–7002, or at *press@ntia.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background: Broadband connectivity is essential to the nation's economic growth and social advancement. It is the conduit for economic and social opportunities for U.S. households and a gateway to increased productivity, growth and market access for businesses of all sizes, yet many American businesses, households and critical anchor institutions lack sufficient broadband availability. Using its current definition of broadband (25 Mbps downstream/3 Mbps upstream), Federal Communications Commission (FCC) data show that approximately 8 percent of Americans lived in places where fixed terrestrial broadband service was unavailable by the end of 2016. This data also demonstrates that there continued to be a significant disparity across America, with more than 30 percent of rural Americans and approximately 35 percent of those living on Tribal lands lacking broadband availability, compared to 2 percent of Americans living in urban areas.[1] Many businesses, schools and libraries in rural and Tribal areas are insufficiently served or cannot afford the network transmission speed required to support multiple users of bandwidth-intensive applications. Knowing where the persistent gaps in broadband exist is crucial to enabling more efficient and effective investments in broadband infrastructure from both the public and private sectors.

NTIA, in collaboration with the FCC, pioneered the collection of extensive broadband deployment data when it launched the State Broadband Initiative (SBI) in 2009. Through this program, NTIA worked with every state, territory, and the District of Columbia to collect fixed and mobile broadband availability data for over 11 million Census blocks every six months for five years. To make these data accessible to a broad audience, NTIA launched the National Broadband Map (NBM) in 2011. Although the SBI program ended in 2015, NTIA continues its extensive work to collect, analyze, and disseminate data relevant to broadband availability and adoption.

Presently, the only source of nationwide broadband availability data is that collected from broadband service provider responses to the FCC Form 477 Fixed Broadband Deployment data process. Form 477 data are submitted by voice and broadband telecommunications service providers semi-annually and include information on services each provider offers, at the Census block level.[2] While the Census block system provides a very high level of geographic granularity overall—the United States is divided into over 11 million blocks, 95 percent of which do not exceed 1 square mile in land area—it is possible that broadband availability may vary within a single block, particularly if it is geographically larger (which is most common in rural areas). A provider offering service to any homes or businesses in a Census block is instructed to report that block as served in its Form 477 filing, even though it may not offer broadband services in most of the block. This can lead to overstatements in the level of broadband availability, especially in rural areas where Census blocks are large.

Moreover, there is no independent validation or verification process for Form 477 data service providers to submit to the FCC. While NTIA believes that the Form 477 data program is impressively large and useful, and benefits broadband policy research and decision-making, as well as the FCC's internal needs, NTIA also believes that the Form 477 data collection program suffers from issues with data accuracy.

Recognizing the deficiencies of the current broadband data collection process, Congress directed NTIA to update the national broadband availability map in coordination with the FCC and use partnerships previously developed with the states. Unlike the SBI program, in which NTIA worked with the states to collect and validate broadband availability data independent from the FCC's Form 477 data collection process, this is not a new program to fund the primary collection of broadband availability or subscription data, nor to fund specific data collection activities by states or third parties. Rather, Congress directed NTIA to acquire and display available third-party data sets to the extent it is able to negotiate inclusion to augment data from the FCC, other federal government agencies, state government, and the private sector. The objective of these updates is to identify regions of the country with insufficient broadband capacity, particularly in rural areas.

NTIA is well-suited to perform this task. It has extensive experience collecting data on broadband adoption and usage in the United States, creating decades of datasets that complement the Form 477 data collections on broadband deployment and subscription. Since 1994, NTIA has partnered with the Census Bureau (Census) to survey approximately 53,000 U.S. households on their internet and computer use. NTIA's questionnaire, administered as a supplement to Census's Current Population Survey (CPS), includes more than 50 questions to gather a wealth of information on household and individual internet use and

[1] Federal Communications Commission 2018 Broadband Progress Report. See *https://apps.fcc.gov/edocs_public/attachmatch/FCC-18-10A1.pdf.*

[2] ''All facilities-based broadband providers are required to file data with the FCC twice a year (Form 477) on where they offer internet access service at speeds exceeding 200 kbps in at least one direction.'' See *https://www.fcc.gov/general/broadband-deployment-data-fcc-form-477.*

demographics, including the locations, technologies, and devices that people use to go online, their online activities, and the reasons why some Americans still do not utilize these technologies. Whereas Form 477 focuses on broadband availability and subscription data gathered from service providers, NTIA's CPS Supplements provide detailed information on adoption and usage of the internet, as reported by households across the country. The NTIA surveys, together with the FCC's Form 477 and three household broadband adoption questions on the American Community Survey, comprise a valuable, holistic set of federal data sources related to broadband.

NTIA issues this RFC to solicit informed recommendations and feedback on sources of broadband availability data, mechanisms to validate broadband availability data using multiple data sources or new techniques, and approaches to leverage such data and techniques to inform broadband planning at the state and national levels by promoting the most efficient use of state or federal funding to areas that are insufficiently served by broadband.

Request for Comments: NTIA invites comment on the full range of issues that may be presented by this inquiry, including issues that are not specifically raised in the questions below. Commenters are encouraged to address any or all of the questions below. Comments that contain references to studies, research, and other empirical data that are not widely published should include copies of the referenced materials with the submitted comments.

1. *Identifying additional broadband availability data:*

a. What additional data on broadband availability are available from federal, state, not-for-profit, academic, or private-sector sources to augment the FCC Form 477 data set?

b. What obstacles—such as concerns about the quality, scope, or format of the data, as well as contractual, confidentiality, or data privacy concerns—might prevent the collaborative use of such data?

2. *Technology type, service areas, and bandwidth:* Please consider providing a table or spreadsheet attachment when responding to question 2, if needed.

a. For each broadband availability data source, please define the specific broadband technologies (*e.g.,* wireline, cable, fixed wireless, satellite, multiple sources, etc.) included in the data set. Please explain the service areas or geographic scope of the data set *(e.g.,* Census block, county, cable franchises, publicly funded service areas, etc.) and describe how records from the data set could be matched with records from Form 477 data.

b. Describe how frequently the data set is updated and the methodology used for collection and what measures are employed to validate or otherwise ensure the data is accurate. Please explain whether the data set differentiates between subscribed bandwidth and maximum available speeds.

c. For each data set, please provide the name(s) and type(s) of entity that collects the data.

d. Finally, please specify the format of the data (*e.g.,* CSV, specific database, specific Geographic Information System (GIS) format, etc.)

3. *New approaches:* Are there new approaches, tools, technologies, or methodologies that could be used to capture broadband availability data, particularly in rural areas?

4. *Validating broadband availability data:*

a. What methodologies, policies, standards, or technologies can be implemented to validate and compare various broadband availability data sources and identify and address conflicts between them?

b. Do examples or studies of such validation exist?

c. What thresholds or benchmarks should be taken into account when validating broadband availability, such as bandwidth, latency, geographic coverage, technology type, etc.? How can conformance to such standards be used to evaluate the accuracy of broadband data sets? How could those standards be used to improve policymaking, program management, or research in broadband-related fields?

5. *Identifying gaps in broadband availability:*

a. What data improvements can the government implement to better identify areas with insufficient broadband capacity?

b. What other inputs should NTIA seek to inform data-driven broadband policy- and decision-making?

Instructions for Commenters: Comments submitted by email should be machine-readable and should not be copy-protected. Comments submitted by mail may be in hard copy (paper) or electronic (on CD–ROM or disk). Responders should include the name of the person or organization filing the comment, as well as a page number on each page of their submissions. All comments received are a part of the public record and will generally be posted on the NTIA website, *https://www.ntia.doc.gov,* without change. All personal identifying information (for example, name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. NTIA will accept anonymous comments.

Dated: May 23, 2018.

David J. Redl,

Assistant Secretary for Communications and Information.

[FR Doc. 2018–11483 Filed 5–29–18; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2018–HQ–0005]

Submission for OMB Review; Comment Request

AGENCY: Department of the Army, DoD.

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by June 29, 2018.

ADDRESSES: Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra, DoD Desk Officer, at *oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer, Docket ID number, and title of the information collection.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Evaluation of Health Status of an Infantry Battalion Following Deployment in Support of Operation Iraqi Freedom in 2004–2005; OMB Control Number 0702–XXXX.

Type of Request: New.

Number of Respondents: 3,500.

Responses per Respondent: 1.

Annual Responses: 3,500.

Average Burden per Response: 1 Hour.

Annual Burden Hours: 3,500.

Needs and Uses: The information collection requirement is necessary to assess and evaluate the self-reported post-deployment health status of selected soldiers who operated in the vicinity of Mosul, Iraq in 2004 (*e.g.,*

1–24 Infantry Battalion). The data collected from the survey will be used to compare the health of current and former U.S. Army personnel after their initial deployment in support of Operation Iraqi Freedom (OIF) to that of a subset of Millennium Cohort Study participants. This evaluation is being conducted at the request of the Army Chief of Staff.

Affected Public: Individuals or Households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

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

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DoD Clearance Officer: Mr. Frederick Licari.

Requests for copies of the information collection proposal should be sent to Mr. Licari at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: May 24, 2018.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–11565 Filed 5–29–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2018–OS–0013]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition and Sustainment, DoD.

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by June 29, 2018.

ADDRESSES: Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra, DoD Desk Officer, at *oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer, Docket ID number, and title of the information collection.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Certification of Qualified Products; DD Form 1718; OMB Control Number 0704–0487.

Type of Request: Extension.

Number of Respondents: 1,276.

Responses per Respondent: 1.

Annual Responses: 1,276.

Average Burden per Response: 30 minutes.

Annual Burden Hours: 638 hours.

Needs and Uses: The information collection requirement is necessary to obtain, certify, and record qualification of products or processes falling under the DoD Qualification Program. This form is included as an exhibit in an appeal or hearing case file as evidence of the reviewers' products or process qualifications in advance of, and independent of, acquisition.

Affected Public: Business or other for-profit.

Frequency: Biennially.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

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

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DoD Clearance Officer: Mr. Frederick Licari.

Requests for copies of the information collection proposal should be sent to Mr. Licari at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: May 24, 2018.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–11555 Filed 5–29–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2018–HA–0009]

Submission for OMB Review; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, DoD.

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by June 29, 2018.

ADDRESSES: Comments and recommendations on the proposed information collection should be emailed to Ms. Cortney Higgins, DoD Desk Officer, at *oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer, Docket ID number, and title of the information collection.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Screening and Monitoring of DoD Personnel Deployed to Ebola Outbreak Areas; DD Form 2990 and DD Form 2991; OMB Control Number 0720–0056.

Type of Request: Extension.

Number of Respondents: 1,200.

Responses per Respondent: 2.

Annual Responses: 2,400.

Average Burden per Response: 12 minutes.

Annual Burden Hours: 480.

Needs and Uses: The information collection requirement is necessary to ensure DoD personnel deployed in support of Operation UNITED ASSISTANCE are promptly evaluated for possible exposure(s) to the Ebola virus during deployment to, and within 12 hours prior to departing from, an Ebola outbreak country or region. Ebola is a Quarantinable Communicable Disease as named in Executive Order 13295 and supported by several DoD

regulations and Federal laws. This information will be used by DoD medical and public health officials to (1) ensure Ebola exposure risk is evaluated, (2) proper prevention and quarantine efforts are implemented, (3) appropriate medical care is provided, (4) medical surveillance programs are robust and (5) the spread of Ebola beyond area of concern is minimized. The DoD has consulted with the Centers for Disease Control and Prevention, the Department of State, the Agency for International Development, and several Defense Agencies regarding disease control efforts and health surveillance in response to the public health emergency in West Africa and worldwide. DoD has also specifically discussed these new information collections with representatives of the various Military Services, representing deploying military members who have participated in the development of the content of these forms.

Affected Public: Individuals or Households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Cortney Higgins.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

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

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DoD Clearance Officer: Mr. Frederick Licari.

Requests for copies of the information collection proposal should be sent to Mr. Licari at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: May 24, 2018.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–11554 Filed 5–29–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0020]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Migrant Student Information Exchange User Application Form

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before June 29, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2018–ICCD–0020. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 216–44, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Maria Hishikawa, 202–260–1473.

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: Migrant Student Information Exchange User Application Form.

OMB Control Number: 1810–0686.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 420.

Total Estimated Number of Annual Burden Hours: 210.

Abstract: The Department requests to extend the collection of the existing MSIX User Application. State educational agencies (SEAs) with MEPs will collect the information from state and local education officials who desire access to the MSIX system. The collection instrument verifies the applicant's need for MSIX data and authorizes the user's access to that data. The burden hours associated with the data collection are required to meet the statutory mandate in Sec. 1308(b) of Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act, which is to facilitate the electronic exchange by the SEAs of a set of minimum data elements to address the educational and related needs of migratory children.

Dated: May 23, 2018.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–11505 Filed 5–29–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket ID ED–2018–OESE–0048]

Intent To Award Grantback Funds to the Pennsylvania Department of Education

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice.

SUMMARY: Under section 459 of the General Education Provisions Act (GEPA), the Secretary of Education (Secretary) intends to repay to the Pennsylvania Department of Education (PDE) an amount that represents approximately 75 percent of the amount of funds recovered by the Department of Education (Department) under Title I, Part A and Title IV, Part A of the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act (NCLB), Catalog of Federal Domestic Assistance (CFDA) number 84.010A. This notice describes PDE's plans for the use of the repaid funds and the terms and conditions under which the Secretary intends to make grantback funds available. This notice invites comments on the proposed grantback.

DATES: We must receive your comments on or before June 29, 2018.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''Help.''
- *Postal Mail, Commercial Delivery, or Hand Delivery:* The Department strongly encourages commenters to submit their comments electronically. However, if you mail or deliver your comments about this proposed grantback, address them to James Butler, U.S. Department of Education, 400 Maryland Avenue SW, Room 3W246, Washington, DC 20202–4260.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: James Butler, U.S. Department of Education, 400 Maryland Avenue SW, Room 3W246, Washington, DC 20202–4260. Telephone: 202–260–9737. Email: *James.Butler@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), you may call the Federal Relay Service, toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Invitation to Comment: We invite you to submit comments regarding this notice. To ensure that your comments have maximum effect on the Secretary's decision regarding awarding this grantback, we urge you to identify clearly the specific proposal that each comment addresses.

During and after the comment period, you may inspect all public comments about this notice in 400 Maryland Avenue SW, Room 3W246, Washington, DC 20202 between the hours of 8:30 a.m. and 4:00 p.m., Eastern Time, Monday through Friday of each week except Federal holidays. If you want to schedule time to inspect comments, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

A. Background

In March 2017, the Department recovered $7,186,222 from PDE relating to findings in a March 29, 2011, program determination letter (PDL) issued by the Office of Elementary and Secondary Education and the Office of Safe and Drug-Free Schools. The PDL followed an audit report by the Department's Office of Inspector General (OIG) of the School District of Philadelphia's (SDP) control over Federal expenditures, covering the audit period July 1, 2005, through June 30, 2006 (Audit Control Number ED–OIG–A03H0010). The PDL sustained certain audit findings and disallowed a total of $9,968,423. Through settlement negotiations, the Department and PDE agreed that $2,782,201 was barred from recovery by the statute of limitations. PDE appealed the remaining $7,186,222 liability to an Administrative Law Judge, the Secretary, and the U.S. Court of Appeals for the Third Circuit. The Third Circuit denied PDE's petition for review, and sustained the remaining liability. PDE filed a Petition for Writ of Certiorari with the U.S. Supreme Court, which was denied on October 3, 2016. SDP paid the full liability to PDE, and in turn, PDE has paid the full liability to the Department.

The claims arose under the ESEA, as amended by NCLB (Pub. L. 107–110), 20 U.S.C. 6301 *et seq.*[1] Of the total amount recovered, $7,074,599 resolved findings related to Title I, Part A of the ESEA, and $111,007 resolved findings related to Title IV, Part A of the ESEA, also referred to as the Safe and Drug-Free Schools and Community Act (SDFSCA). In its grantback application, PDE requests repayment in the amount of $5,389,204, representing approximately 75 percent of the total amount related to Title I, Part A and SDFSCA.

The Department's claims of $7,074,599 related to Title I, Part A were contained in Findings 2, 4, and 5 of the March 29, 2011 PDL, and the claims of $111,007 related to SDFSCA were contained in Findings 4 and 5. As for Title I, Part A, the Department found that SDP had violated section 1120A(b) of the ESEA, as amended by NCLB, by using Title I, Part A funds to supplant non-Federal funds in payments for certain consulting contracts, and that SDP had charged the full cost, rather than the incremental cost, as allowed, of transporting students to the school of their choice. In addition, the Department found that SDP had inadequate procedures for processing transportation costs for afterschool programs, resulting in overcharges to Title I, Part A and violations of 34 CFR 76.731, 80.20, and 80.22(b), and OMB Circular A–87, Attachment A, Section C.[2] For both Title I, Part A and SDFSCA, the Department found that SDP had inadequate procedures for charging indirect costs to Federal programs and for processing journal voucher transfers for staff salaries and fringe benefits, resulting in overcharging costs to both ESEA programs and violations of 34 CFR 76.731, 80.20, and 80.22(b), and OMB Circular A–87, Attachment A, Section C.

Following the release of the OIG Audit Report, PDE and SDP immediately took steps to ensure that the practices that led to the audit findings would not reoccur. In collaboration with PDE and the Department's Risk Management Service, SDP developed and began implementing five corrective action initiatives directly

[1] In 2015, the ESEA was amended by the Every Student Succeeds Act (Pub. L. 114–95).

[2] In 2014, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR part 200) replaced 34 CFR part 80 and OMB Circular A–87, among other provisions.

responsive to the audit findings and has been implementing these procedures since that time. PDE assures that SDP, with the oversight of PDE, has fully resolved the findings from the OIG audit report.

B. Authority for Awarding a Grantback

Section 459(a) of GEPA, 20 U.S.C. 1234h(a), provides that, whenever the Secretary has recovered funds under an applicable program because the recipient made an expenditure of funds that was not allowable, the Secretary may consider those funds to be additional funds available for the program and may arrange to repay to the grantee affected by that determination an amount not to exceed 75 percent of the recovered funds. The Secretary may enter into this grantback requested by PDE if the Secretary determines that—

(a) The practices and procedures that resulted in the audit findings in question have been corrected, and the recipients are in compliance with the requirements of the applicable programs;

(b) PDE has submitted to the Secretary a plan for the use of the funds to be awarded under the grantback arrangement that meets the requirements of the program and, to the extent possible, benefits the population that was affected by the failure to comply or by misexpenditures that resulted in the recovery; and

(c) The use of funds to be awarded under the grantback arrangement in accordance with that plan would serve to achieve the purposes of the program under which the funds were originally granted.

C. Plan for Use of Funds Awarded Under a Grantback Arrangement

Pursuant to section 459(a)(2) of GEPA, PDE has applied for a grantback totaling $5,389,204, which is approximately 75 percent of the principal amount of the recovered Title I, Part A and SDFSCA funds, and has submitted a plan outlining the activities that would be supported with the grantback funds. While the ESSA amendments to the ESEA eliminated SDFSCA, activities formerly authorized under SDFSCA can currently be supported through Title I, Part A of the ESEA, as amended by ESSA, and PDE plans to use $85,000 in grantback funds—slightly more than the proportion of grantback funds related to SDFSCA—for activities that would have been authorized under SDFSCA.

SDP plans to use grantback funds for three activities in the 2018–19 school year. First, SDP proposes a math initiative to improve teaching skills and student learning. As proposed, SDP would provide approximately 1,000 kindergarten through 12th grade math teachers with a week-long professional learning institute in the summer of 2018. Additionally, SDP would provide designated math lead teachers in participating schools with compensation for leading planning and professional development sessions outside of the school day. Finally, SDP would provide eligible schools that participated in the summer institute with funds for extracurricular salary support for facilitating before and after school sessions for students, and give preference for those funds to low-performing schools.

Next, SDP plans to use grantback funds to provide seven full-time reading specialists to support kindergarten through third grade students who are significantly behind their expected reading level. The specialists would work with targeted students at least weekly in small groups using specially designed lesson plans that use best practices to scaffold student learning.

Finally, SDP plans to use grantback funds to support a school climate initiative in five schools. A coach would provide participating schools with training on how to implement a curriculum centered on social and emotional learning as well as bullying prevention. The coach would work with each school to develop a training plan, provide technical assistance in implementing and teaching the lessons, and monitor implementation.

D. The Secretary's Determinations

The Secretary has carefully reviewed the plan submitted by PDE. Based upon that review, the Secretary has determined that the conditions under section 459(a) of GEPA have been met.

This determination is based upon the best information available to the Secretary at the present time. If this information is not accurate or complete, the Secretary is not precluded from taking appropriate administrative action. In finding that the conditions of section 459(a) of GEPA have been met, the Secretary makes no determination concerning any pending audit recommendations or final audit determinations.

The Secretary also has concluded that, to the extent possible, this grantback award would support the provision of services to the population of intended beneficiaries of the program under which the Title I, Part A and SDFSCA grants were originally made. The population of intended beneficiaries may not have received the full benefit of the services intended by the Title I, Part A and SDFSCA grant awards, due to the problems that gave rise to the audit recovery described in Section A of this notice. However, the Secretary has determined that if awarded, this grantback would advance and support the same policy goals and purposes of the statutory provisions that authorized the Title I, Part A and SDFSCA programs, and would be used in compliance with all current statutory and regulatory program requirements.

E. Notice of the Secretary's Intent To Enter Into a Grantback Arrangement With PDE

Section 459(d) of GEPA requires that, at least 30 days before entering into an arrangement to award funds under a grantback, the Secretary publish in the **Federal Register** a notice of intent to do so, and the terms and conditions under which the payment would be made. In accordance with section 459(d) of GEPA, notice is hereby given that the Secretary intends to make funds available to PDE under a grantback arrangement. The grantback award would be in the amount of $5,389,204, which is approximately 75 percent of the principal amount recovered.

F. Terms and Conditions Under Which Payments Under a Grantback Arrangement With PDE Would Be Made

PDE agrees to comply with the following terms and conditions under which payments under a grantback arrangement would be made:

(a) The funds awarded under the grantback must be spent in accordance with—

(1) All applicable statutory and regulatory requirements;

(2) The submitted plan and any amendments to the plan that are approved in advance by the Secretary; and

(3) The budget submitted with the approved plan and any amendments to the budget that are approved in advance by the Secretary.

(b) All funds received under the grantback arrangement must be obligated by September 30, 2020, in accordance with section 459(c) of GEPA and PDE's approved plan.

(c) PDE must, no later than December 31 of each year for which it has funds under this grantback, submit a report to the Secretary that documents the expenditure of funds and progress of activities under the grantback arrangement.

(d) PDE must, no later than December 31, 2020, submit a report to the Secretary that—

(1) Indicates that the funds awarded under the grantback have been spent in

accordance with the proposed plan and any amendments that have been approved in advance by the Secretary; and

(2) Describes the results and effectiveness of the project for which the funds were spent.

(e) PDE must maintain separate accounting records documenting the expenditures of funds awarded under the grantback arrangement.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: May 24, 2018.

Jason Botel,

Principal Deputy Assistant Secretary Delegated the authority to perform the functions and duties of the Assistant Secretary of Elementary and Secondary Education.

[FR Doc. 2018–11592 Filed 5–29–18; 8:45 am]

BILLING CODE 4000–01–P

ELECTION ASSISTANCE COMMISSION

Publication of State Plan Pursuant to the Help America Vote Act

AGENCY: U.S. Election Assistance Commission (EAC).

ACTION: Notice.

SUMMARY: The U.S. Election Assistance Commission (EAC) received a revised HAVA State Plan from the State of West Virginia in accordance with the Help America Vote Act of 2002 (HAVA). Pursuant to HAVA, the EAC is required to publish the revised HAVA State Plan in the **Federal Register** for a 30-day period before the proposed revisions can take effect. The revised HAVA State Plan will be posted on the EAC website and available for review.

DATES: Revisions become applicable after 30-day publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mark Abbott, Telephone 301–563–3956 or 1–866–747–1471 (toll-free).

Submit Comments: Any comments regarding the plans published herewith should be made in writing to the chief election official of the individual State at the address listed below.

SUPPLEMENTARY INFORMATION: The EAC in accordance with the Help America Vote Act of 2002 (HAVA) (52 U.S.C. 21005(b)) published in the **Federal Register** the original HAVA State plans filed by the fifty States, the District of Columbia and the territories of American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands (hereinafter, the States). See 69 FR 14002. HAVA anticipated that States would change or update their plans from time to time pursuant to Section 254(a)(11) through (13) and, thus, requires the EAC to publish such updates in the **Federal Register**. In accordance with HAVA Section 254(a)(12), all the State plans submitted for publication provide information on how the respective State succeeded in carrying out its previous State plan.

West Virginia confirms that its amendments to the State plan were developed and submitted to public comment in accordance with HAVA Sections 254(a)(11), 255, and 256. (52 U.S.C. 21004–21006).

Upon the expiration of thirty days from May 30, 2018, the State is eligible to implement the changes addressed in the plan that is published herein, in accordance with HAVA Section 254(a)(11)(C). EAC wishes to acknowledge the effort that went into revising this State plan and encourages further public comment, in writing, to the State election official listed below.

Chief State Election Official

Mr. Donald Kersey, III, Elections Director & Deputy Legal Counsel, 1900 Kanawha Boulevard E, State Capital Room 157–K, Charleston, West Virginia 25305–0770. (304) 558–6000 Fax: (304) 588–0900.

Thank you for your interest in improving the voting process in America.

Dated: May 23, 2018.

Bryan Whitener,

Director of National Clearinghouse on Elections, U.S. Election Assistance Commission.

[FR Doc. 2018–11498 Filed 5–29–18; 8:45 am]

BILLING CODE 4810–71–P

DEPARTMENT OF ENERGY

[Case No. 2017–008]

Notice of Petition for Waiver of National Comfort Products, Inc. (NCP) From the Department of Energy Central Air Conditioners and Heat Pumps Test Procedure, and Notice of Grant of Interim Waiver

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of petition for waiver, grant of an interim waiver, and request for comments.

SUMMARY: This notice announces receipt of and publishes a petition for waiver from NCP seeking an exemption from the U.S. Department of Energy (DOE) test procedure for determining the efficiency of central air conditioners and heat pumps. NCP seeks to use an alternate test procedure to address issues involved in testing certain basic models identified in its petition. According to NCP, the basic models of space constrained central air conditioner and heat pump units listed in its petition are designed and intended to be sold exclusively with NCP's NCPAH–A series or other blower-coil indoor units with electronically commutated (''ECM'') motors. These efficient blower-coil indoor units operate at much lower wattage than the default required by the DOE test procedure. As such, the current DOE test procedure does not result in representative ratings for these basic models. NCP seeks to use an alternate test procedure to test and rate their basic models paired only with air handler indoor units (*i.e.,* blower coil indoor units). This notice also announces that DOE grants NCP an interim waiver from the DOE central air conditioners and heat pumps test procedure for its specified basic models, subject to use of the alternative test procedure as set forth in the Order. DOE solicits comments, data, and information concerning NCP's petition and its suggested alternate test procedure.

DATES: DOE will accept comments, data, and information with respect to the NCP Petition until June 29, 2018.

ADDRESSES: You may submit comments, identified by case number ''2017–008'' and Docket number ''EERE–2017–BT–WAV–0030,'' by any of the following methods:

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

• *Email: NCP2017WAV0030@EE.DOE.Gov.* Include the case number [Case No. 2017–008] in the subject line of the message. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form of encryption.

• *Postal Mail:* Ms. Lucy deButts, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, Petition for Waiver Case No. 2017–008, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1604. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.

• *Hand Delivery/Courier:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW, 6th Floor, Washington, DC 20024. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

Docket: The docket, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *http://www.regulations.gov.* All documents in the docket are listed in the *http://www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found *https://www.regulations.gov/docket?D=EERE-2017-BT-WAV-0030.* The docket web page will contain simple instruction on how to access all documents, including public comments, in the docket.

FOR FURTHER INFORMATION CONTACT:

Ms. Lucy deButts, U.S. Department of Energy, Building Technologies Program, Mail Stop EE–2J, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1604. Email: *AS_Waiver_Requests@ee.doe.gov.*

Mr. Pete Cochran, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC–33, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585–0103. Telephone: (202) 586–9496. Email: *Peter.Cochran@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Authority

Title III, Part B [1] of the Energy Policy and Conservation Act of 1975 (EPCA), Public Law 94–163 (42 U.S.C. 6291–6309, as codified) established the Energy Conservation Program for Consumer Products Other Than Automobiles, which includes central air conditioners and heat pumps.[2] Part B includes definitions, test procedures, labeling provisions, energy conservation standards, and the authority to require information and reports from manufacturers. Further, Part B requires the Secretary of Energy to prescribe test procedures that are reasonably designed to produce results that measure energy efficiency, energy use, or estimated operating costs during a representative average-use cycle, and that are not unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) The test procedure for central air conditioners and heat pumps is contained in 10 CFR part 430, subpart B, appendix M (referred to in this notice as ''appendix M'').

DOE's regulations set forth at 10 CFR 430.27 contain provisions that allow a person to seek a waiver from the test procedure requirements for a particular basic model of a covered product when the petitioner's basic model for which the petition for waiver was submitted contains one or more design characteristics that either (1) prevent testing according to the prescribed test procedure, or (2) cause the prescribed test procedures to evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. 10 CFR 430.27(a)(1). A petitioner must include in its petition any alternate test procedures known to the petitioner to evaluate the basic model in a manner representative of its energy consumption. 10 CFR 430.27(b)(1)(iii).

DOE may grant a waiver subject to conditions, including adherence to alternate test procedures. 10 CFR 430.27(f)(2). As soon as practicable after the granting of any waiver, DOE will publish in the **Federal Register** a notice of proposed rulemaking to amend its regulations so as to eliminate any need for the continuation of such waiver. As soon thereafter as practicable, DOE will publish in the **Federal Register** a final rule. 10 CFR 430.27(l).

The waiver process also allows DOE to grant an interim waiver if it appears likely that the petition for waiver will be granted and/or if DOE determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the petition for waiver. 10 CFR 430.27(e)(2). Within one year of issuance of an interim waiver, DOE will either: (i) Publish in the **Federal Register** a determination on the petition for waiver; or (ii) publish in the **Federal Register** a new or amended test procedure that addresses the issues presented in the waiver. 10 CFR 430.27(h)(1). When DOE amends the test procedure to address the issues presented in a waiver, the waiver will automatically terminate on the date on which use of that test procedure is required to demonstrate compliance. 10 CFR 430.27(h)(2).

II. NCP's Petition for Waiver of Test Procedure and Application for Interim Waiver

On March 20, 2017, NCP filed a petition for waiver and an application for interim waiver from the CAC and HP test procedure set forth in 10 CFR part 430, subpart B, appendix M. According to NCP, basic models of space constrained central air conditioner and heat pump outdoor units listed in its petition [3] are designed and intended to be sold with NCP's NCPAH–A series or other blower-coil indoor units with electronically commutated (''ECM'') motors. These efficient blower-coil indoor units operate at much lower wattage than the default required by the DOE test procedure. As such, the current DOE test procedure does not result in a representative rating for these basic models. NCP seeks to use an alternate test procedure to test and rate using their space constrained central air conditioner and heat pump basic models paired only with blower-coil indoor units.

NCP also requests an interim waiver from the existing DOE test procedure. An interim waiver may be granted if it appears likely that the petition for waiver will be granted, and/or if DOE determines that it would be desirable for public policy reasons to grant immediate relief pending a determination of the petition for waiver. See 10 CFR 430.27(e)(2).

[1] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated as Part A.

[2] All references to EPCA in this document refer to the statute as amended through the Energy Efficiency Improvement Act of 2015 (EEIA), Public Law 114–11 (April 30, 2015).

[3] The specific basic models for which the petition applies are central air conditioner basic models NCPE–418–1010, NCPE–418–3010, NCPE–418–4010, NCPE–418–5010, NCPE–424–1010, NCPE–424–3010, NCPE–424–4010, NCPE–424–5010, NCPE–430–1010, NCPE–430–3010, NCPE–430–4010, NCPE–430–5010. These basic model names were provided by NCP in its March 2017 petition.

III. Requested Alternate Test Procedure

EPCA requires that manufacturers use DOE test procedures to make representations about the energy consumption and energy consumption costs of products covered by the statute. (42 U.S.C. 6293(c)) Consistent representations are important for manufacturers to use in making representations about the energy efficiency of their products and to demonstrate compliance with applicable DOE energy conservation standards. Pursuant to its regulations applicable to waivers and interim waivers from applicable test procedures at 10 CFR 430.27, and after consideration of public comments on the petition, DOE will consider setting an alternate test procedure for the equipment identified by NCP in a subsequent Decision and Order.

As an alternate test procedure, NCP proposes that the basic models listed in the petition be tested according to the test procedure for central air conditioners and heat pumps prescribed by DOE at 10 CFR part 430, subpart B, appendix M, as applicable, except for the requirement under 10 CFR 429.16 that represented values for each model of outdoor unit be determined based on testing with a model of a coil-only indoor unit that is the least efficient indoor unit distributed in commerce with that particular outdoor unit. Instead, NCP requests that the specified basic models be tested and representations be determined by pairing the models only with blower-coil indoor units.

IV. Summary of Grant of an Interim Waiver

On May 30, 2017, NCP submitted supplemental materials to their original petition consisting of public-facing materials (*e.g.,* marketing materials, product specification sheets, and installation manuals) that include language consistent with their assertion that the basic models listed in its petition are distributed to be installed exclusively with blower-coil indoor units that incorporate high-efficiency fan motors.

In addition to the material submitted by NCP, DOE conducted a review of NCP's other public-facing materials including websites, marketing materials, product spec sheets, labels, installation manuals, other consumer facing disclosures, etc. to confirm that these materials support NCP's assertions set forth in the petition about how they distribute the specified basic models in commerce. The public-facing materials that DOE found state that these basic models are compatible with NCP air handlers or certain other air handlers with ECM motors (combinations that are rated in the DOE Compliance Certification Management System (CCMS) database) and that any combinations not rated in the DOE CCMS database will require factory testing and listing with DOE. DOE's review also indicates that NCP does not market the basic models for sale with indoor units that do not have electronically commutated fan motors. All materials reviewed by DOE can be found in the docket. DOE understands from NCP's petition that, absent an interim waiver, NCP's specified models cannot be tested and rated for energy consumption on a basis representative of their true energy consumption characteristics. DOE has reviewed the alternate test procedure suggested by NCP and concludes that it will allow for the accurate measurement of the efficiency of these specified models, while alleviating the testing problems associated with NCP's implementation of CAC and HP testing. DOE has determined that NCP's petition for waiver will likely be granted and that it is desirable for public policy reasons to grant NCP immediate relief pending a determination on the petition for waiver.

For the reasons stated above, DOE has granted NCP's application for interim waiver for its specified basic models of space constrained central air conditioners and heat pumps. The substance of DOE's Interim Waiver Order is summarized below.

Therefore, DOE has issued an Order, stating:

(1) NCP must test and rate the CAC and HP basic models listed in paragraph (A) with the alternate test procedure set forth in paragraph (2).

(A) NCPE–418–1010, NCPE–418–3010, NCPE–418–4010, NCPE–418–5010, NCPE–424–1010, NCPE–424–3010, NCPE–424–4010, NCPE–424–5010, NCPE–430–1010, NCPE–430–3010, NCPE–430–4010, NCPE–430–5010.

(2) The applicable method of test for the NCP basic models listed in subparagraph (1)(A) is the test procedure for CAC and HP prescribed by DOE at 10 CFR part 430, subpart B, appendix M, except the determination of represented value requirements and units required for test per 10 CFR 429.16(a)(1), (b)(2) and (b)(2)(i) shall be as detailed below. All other requirements of 10 CFR part 429.16 remain applicable.

In 429.16(a), *Determination of Represented Value:*

(1) Required represented values for single-split system space-constrained AC with single-stage or two-stage compressor. Determine the represented values (including SEER, EER, HSPF, SEER2, EER2, HSPF2, PW,OFF, cooling capacity, and heating capacity, as applicable) for the individual models/combinations (or ''tested combinations'') specified in the following table.

Category	*Equipment subcategory*	*Required represented values*
Outdoor Unit and Indoor Unit (Distributed in Commerce by OUM).	*Single-Split System Space-Constrained AC with Single-Stage or Two-Stage Compressor.*	*Every individual combination distributed in commerce, including all coil-only and blower coil combinations. For each model of outdoor unit, this must include the least efficient combination distributed in commerce with the particular model of outdoor unit.*

In 429.16(b), *Units tested:*

(2) Individual model/combination selection for testing of single-split system space-constrained AC with single-stage or two-stage compressor. (i) The table identifies the minimum testing requirements for each basic model that includes multiple individual models/combinations; if a basic model spans multiple categories or subcategories listed in the table, multiple testing requirements apply. For each basic model that includes only one individual model/combination, test that individual model/combination.

Category	Equipment subcategory	Must test:	With:
Outdoor Unit and Indoor Unit (Distributed in Commerce by an OUM).	Single-Split System Space-Constrained AC with a Single-Stage or Two-Stage Compressor.	The model of outdoor unit.	A model of indoor unit.

(3) *Representations.* NCP is permitted to make representations about the efficiency of basic models that meet the requirements of paragraph (1) for compliance, marketing, or other purposes only to the extent that the basic model has been tested in accordance with the provisions set forth above and such representations fairly disclose the results of such testing in accordance with 10 CFR 429.16 and 10 CFR part 430, subpart B, appendix M.

(4) This interim waiver shall remain in effect consistent with the provisions of 10 CFR 430.27(h) and (k).

(5) This interim waiver is issued to NCP on the condition that: (1) The statements, representations, test data, and documentary materials provided by the petitioner are valid, (2) NCP continues to distribute the specified basic models for exclusive installation with air-handler units that include electronically commutated motors, (3) All public-facing materials, including websites, marketing materials, product spec sheets, labels, nameplates, etc., make no representations that these basic models be installed in any other way; and (4) All public-facing materials state ''Please consult the DOE CCMS data base [link to DOE CCMS database] for a list of rated combinations of indoor and outdoor units. Combinations of outdoor and indoor units that are not rated will require factory testing and listing with DOE. Please consult the factory.'' DOE may revoke or modify this waiver at any time if it determines the factual basis underlying the petition for waiver is incorrect, the above listed conditions are not met, or the results from the alternate test procedure are unrepresentative of the basic model's true energy consumption characteristics.

(6) Granting of this interim waiver does not release NCP from the certification requirements set forth at 10 CFR part 429, other than those explicitly stated in paragraph (2).

DOE makes decisions on waivers and interim waivers for only those models specifically set out in the petition, not future models that may be manufactured by the petitioner. NCP may submit a new or amended petition for waiver and request for grant of interim waiver, as appropriate, for additional models of central air conditioners and heat pumps. Alternatively, if appropriate, NCP may request that this interim waiver (or subsequent waiver, if applicable) be extended to additional basic models employing the same technology as basic models specifically set out in this petition (see 10 CFR 430.27(g)).

IV. Summary and Request for Comments

Through this notice, DOE announces receipt of NCP's petition for waiver from the DOE test procedure for certain basic models and announces DOE's decision to grant NCP an interim waiver from the test procedure for the basic models listed in NCP's petition. DOE is publishing NCP's petition for waiver in its entirety, pursuant to 10 CFR 430.27(b)(1)(iv). The petition contains no confidential information. The petition includes a suggested alternate test procedure, as specified in section III of this notice, to determine the energy consumption of NCP's specified space constrained central air conditioner and heat pump basic models. DOE may consider including the alternate procedure specified in the Order in a subsequent Decision and Order.

DOE invites all interested parties to submit in writing by June 29, 2018, comments and information on all aspects of the petition, including the suggested alternate test procedure and calculation and rating methodology. DOE also seeks comment and data on NCP's assertion that it exclusively distributes the space constrained air conditioner and heat pump basic models as blower-coil installations. Pursuant to 10 CFR 430.27(d), any person submitting written comments to DOE must also send a copy of such comments to the petitioner. The contact information for the petitioner is Jean-Cyril Walker, Keller and Heckman LLP, 1001 G Street NW, Suite 500 West, Washington, DC 20001.

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

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

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

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

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

Include contact information each time you submit comments, data, documents,

and other information to DOE. If you submit via mail or hand delivery, please provide all items on a CD, if feasible. It is not necessary to submit printed copies. No facsimiles (faxes) will be accepted.

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

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

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

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

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

Signed in Washington, DC, on May 17, 2018.

Kathleen B. Hogan,

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

BILLING CODE 6450–01–P

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March 20, 2017

Via Electronic Mail

U.S. Department of Energy Building
Technologies Program Test Procedure Waiver
1000 Independence Avenue SW
Mailstop EE-5B
Washington, DC 20585-0121
AS_Waiver_Requests@ee.doe.gov

Re: PUBLIC Petition for Waiver and Application for Interim Waiver from the Department of Energy Uniform Test Method for Measuring the Energy Consumption of Central Air Conditioners and Heat Pumps by National Comfort Products, Inc.

On behalf of our client, National Comfort Products, Inc. ("NCP"), we respectfully submit this Petition for Waiver and Application for Interim Waiver requesting exemption by the Department of Energy ("DOE" or "Department") from certain parts of the test procedure for measuring the energy consumption of residential central air conditioners under 10 C.F.R. § 430.27. The requested waiver will allow NCP to test its line of space-constrained, through-the-wall ("TTW") condensing units to the amended procedure set out by this Petition.

I. Petition for Waiver

NCP seeks the Department's approval of this proposed amendment to the central air conditioner test procedure to be assured of properly calculating the energy consumption and rating of its space-constrained, TTW products. At issue are NCP's NCPE Series of TTW condensing units. The products are available in sizes ranging from 1.5 to 2.5 tons, are charged with R-410A, and use a high efficiency compressor. These products are used exclusively in multi-family housing and are matched with air handlers. The combined condensing unit and air handler meet or exceed the applicable minimum federal energy efficiency standards.

Space-constrained condensing units are smaller than conventional pad mounted condensing units. They are sized to fit into the smaller wall openings specified for building constructed prior to the year 2000. The small unit size results in a smaller condensing surface and airflow. NCP uses the most efficient compressor technology available in all its models. The NCPE series is designed and intended to be sold with NCP's NCPAH-A series or other air handlers

with electronically commutated ("ECM") motors.

These efficient air handlers operate at much lower wattage than default and allow NCP to overcome the limitations of the space constrained condensing unit. Thus, the Company can rate these products at or above the Federal minimum energy efficiency standard. When tested with coil only indoor units, however, the space constrained condensing units are unable to meet the minimum efficiency standard of 12 SEER, or achieve a coil only rating that meets the minimum efficiency for Space Constrained products.

Pursuant to the Department regulations at 10 C.F.R. § 430.27, any person may submit a petition to waive the requirements of 10 C.F.R. § 430.23 or the applicable test procedure for a basic model on grounds that:

...the basic model contains one or more design characteristics which either prevent testing of the basic model according to the prescribed test procedures or cause the prescribed test procedures to evaluate the basic model in a manner so unrepresentative of its true energy and/or water consumption characteristics as to provide materially inaccurate comparative data.[1]

NCP respectfully submits that sufficient grounds exist for DOE to grant this Petition on both points. First, the test procedure does not allow the energy used by NCP's condensing units to be accurately calculated. NCP lists its space-constrained condensing units matched only with ECM driven air handlers that meet the Federal Minimum Efficiency requirements.

See Exhibit 1. In addition, the Company only advertises or sells the product, to be matched with air handlers, not coil only units. *See* Exhibit 2. Yet, the test procedure requires the model to be tested with coil only indoor units.

Second, testing NCPE condensing units according to the test procedure would provide results that do not accurately measure the energy used when installed. As noted above, NCPE outdoor condensing units failed to meet the applicable energy efficiency setting when paired with a coil only indoor unit. *See* Confidential Exhibit 3. Condensing units that are limited in size, (of a type that was available for purchase in the United States as of December 1, 2000) are still a viable solution for the Multi-Family Market. Indeed, when combined with an air handler, the NCP products consistently meet or exceed the applicable energy efficiency standards. *See* Confidential Exhibit 4.

A. The Condensing Unit Energy Test Procedure

Generally, 10 C.F.R. § 430.23(m) directs that the energy efficiency or other useful performance measures of central air conditioners and heat pumps must be determined using the test procedure at Appendix M to 10 C.F.R. Part 430, subpart B. The test procedure in turn refers to the requirements of 10 C.F.R. § 429.16, which specifies that each model of a space constrained condensing unit must be tested with the model of coil-only indoor unit that is the

[1] 10 C.F.R. § 430.27(l).

least efficient indoor unit distributed in commerce with that particular condensing unit.[2] This mandatory test configuration is inappropriate for the NCPE series products, however, because they are sold or installed exclusively with air handlers with ECM motors. In addition, the default fan power value required to be used when conducting such test is 365 Watts (W) per 1,000 cubic feet per minute of standard air (scfm), and the cooling capacity must be adjusted (lowered) 1250 (btu) per 1,000 scfm. In contrast, NCP's products operate at a range of 580 scfm to 950 scfm.

The product's lower BTU and the higher indoor wattage required by the test procedure will not allow these products to meet the minimum efficiency standard of 12 SEER, or achieve a coil only rating that meets the minimum efficiency for Space Constrained products.

B. NCP's Proposed Modifications to the Test Procedure

In adopting the test procedure and sampling plan requirements of Section 429.16, the DOE assumed that space-constrained condensing units most commonly are sold or installed with coil-only indoor units.[3] This is not the case with NCP's NCPE series. Accordingly, with this Petition, NCP requests that DOE grant a test procedure waiver that will allow the Company to test its condensing units with air handlers. Such an approach reflects the actual use of NCPE condensing units. The NCP models subject to this Petition are:

NCPE-418-1010
NCPE-424-1010
NCPE-430-1010
NCPE-418-3010
NCPE-424-3010
NCPE-430-3010
NCPE-418-4010
NCPE-424-4010
NCPE-430-4010
NCPE-418-5010
NCPE-424-5010
NCPE-430-5010

NCP proposes to run the test procedure exactly as set out in 10 C.F.R. Part 430, subpart B. The only difference is that NCP would run the test only with air handlers. As noted above, when tested with air handlers, the NCP products will consistently meet or exceed the applicable energy efficiency standards. Based on the preceding discussion, NCP requests that DOE grant a test procedure waiver to allow testing of its NCPE condensing units with air handlers. Failure to grant the waiver would result in severe economic hardship to NCP. [redacted]

[2] *Energy Conservation Program: Test Procedures for Central Air Conditioners and Heat Pumps* 81 Fed. Reg. 36,992, 37,001-37,003 (June 8, 2016). This requirement was amended by *Energy Conservation Program: Test Procedures for Central Air Conditioners and Heat Pumps*, 82 Fed. Reg. 1,426 (January 5, 2017); but postponed until March 21, 2017, pending further review and consideration by Department officials. *See Energy Conservation Program: Test Procedures for Central Air Conditioners and Heat Pumps*, 82 Fed. Reg. 8,985 (February 2, 2017). This Petition for Waiver and Application for Interim Waiver nevertheless remains relevant because the January 5, 2017 amendment does not markedly change the test configuration mandated by 10 C.F.R. § 429.16.

[3] *Id.*

II. Application for Interim Waiver

The DOE may grant an Interim Waiver if the applicant can "demonstrate likely success of the petition for waiver and address what economic hardship and/or competitive disadvantage is likely to result absent a favorable determination on the petition for interim waiver."[4] As noted above, [redacted] absent a favorable determination [redacted]

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NCP submits that it is also likely to succeed on the merits, as it has amply demonstrated above that the units are exclusively sold or installed for use with air handlers that are equipped with ECM motors. In addition, the alternative test procedure proposed by NCP is not radically different from the current test procedure, which recognizes products such as ductless mini-splits, that are never distributed as coil-only products.[5] Accordingly, NCP respectfully submits that sufficient grounds exist for the Department to grant its Application for Interim Waiver.

III. Conclusion

NCP urges the DOE to grant its Petition for Waiver and Application for Interim Waiver to test its new NCPE condensing units as noted above. Granting NCP's Petition for Waiver will encourage the introduction of advanced technologies while providing proper consideration of energy consumption.

IV. Affected Persons

Primarily affected persons in the space constrained air conditioner category include Aerosys, Inc. and First Co. The Air-Conditioning, Heating and Refrigeration Institute is also generally interested in energy efficiency requirements for air conditioning products. NCP will notify all of these entities as required by the Department's regulations and provide them with a version of this Petition.

Respectfully submitted,

Jean-Cyril Walker

Enclosures

cc: Brian Kelly, National Comfort Products
Ashley Armstrong, DOE Office of Energy Efficiency and Renewable Energy Johanna Jochum, DOE Office of the General Counsel

[4] 10 C.F.R. § 430.27(g).

[5] *See* 81 Fed. Reg. 37,002.

See the following website for Exhibits 1-4:
https://www.regulations.gov/document?D=EERE-2017-BT-WAV-0030-0001

[FR Doc. 2018–11542 Filed 5–29–18; 8:45 am]
BILLING CODE 6450–01–C

DEPARTMENT OF ENERGY

[Case No. 2017–010]

Notice of Petition for Waiver of AeroSys Inc. (AeroSys) From the Department of Energy Central Air Conditioners and Heat Pumps Test Procedure, and Notice of Grant of Interim Waiver

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of petition for waiver, grant of an interim waiver, and request for comments.

SUMMARY: This notice announces receipt of and publishes a petition for waiver from AeroSys seeking an exemption from the U.S. Department of Energy (DOE) test procedure for determining the efficiency of central air conditioners and heat pumps. AeroSys seeks to use an alternate test procedure to address issues involved in testing certain basic models identified in its petition.

According to AeroSys, testing the basic models of space constrained central air conditioners and heat pump units listed in its petition exclusively with coil-only indoor units (as required by the DOE test procedure), rather than with blower-coil indoor units (as they are distributed in commerce), will overstate their energy usage. Energy usage of coil-only tests for these models will be overstated because the default value for wattage required by the DOE coil-only test method exceeds the actual wattage of the high-efficiency motors used in the blower-coil indoor units with which the AeroSys models listed in its petition are paired in the field. AeroSys seeks to use an alternate test procedure to test and rate their basic models listed in its petition. AeroSys proposes to waive the DOE test procedure requirement to test these basic models with coil-only indoor units and instead, test with blower-coil indoor units in accordance with 10 CFR part 430, subpart B, appendix M, as applicable. This notice also announces that DOE grants AeroSys an interim waiver from the DOE central air conditioners and heat pumps test procedure for its specified basic models, subject to use of the alternative test procedure as set forth in the Order. DOE solicits comments, data, and information concerning AeroSys' petition and its suggested alternate test procedure.

DATES: DOE will accept comments, data, and information with respect to the AeroSys Petition until June 29, 2018.

ADDRESSES: You may submit comments, identified by case number ''2017–010'' and Docket number ''EERE–2017–BT–WAV–0042'', by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Email: AeroSys2017WAV0042@ee.doe.gov*. Include the case number [Case No. 2017–010] in the subject line of the message. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form of encryption.
- *Postal Mail:* Ms. Lucy deButts, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, Petition for Waiver Case No. 2017–010, 1000 Independence Avenue SW, Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.
- *Hand Delivery/Courier:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza, SW, 6th Floor, Washington, DC 20024. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

Docket: The docket, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *http://www.regulations.gov*. All documents in the docket are listed in the *http://www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at *https://www.regulations.gov/document?D=EERE-2017-BT-WAV-0042-0001*. The docket web page will contain simple instruction on how to access all documents, including public comments, in the docket.

FOR FURTHER INFORMATION CONTACT:

Ms. Lucy deButts, U.S. Department of Energy, Building Technologies Program, Mail Stop EE–2J, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1604. Email: *AS_Waiver_Requests@ee.doe.gov*.

Mr. Pete Cochran, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC–33, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585–0103. Telephone: (202) 586–9496. Email: *Peter.Cochran@hq.doe.gov*.

SUPPLEMENTARY INFORMATION:

Background and Authority

Title III, Part B [1] of the Energy Policy and Conservation Act of 1975 (EPCA), Public Law 94–163 (42 U.S.C. 6291–6309, as codified) established the Energy Conservation Program for Consumer Products Other Than Automobiles, which includes central air conditioners and heat pumps.[2] Part B includes definitions, test procedures, labeling provisions, energy conservation standards, and the authority to require information and reports from manufacturers. Further, Part B requires the Secretary of Energy to prescribe test procedures that are reasonably designed to produce results that measure energy efficiency, energy use, or estimated operating costs during a representative average-use cycle, and that are not unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) The test procedure for central air conditioners and heat pumps is contained in 10 CFR part 430, subpart B, appendix M (referred to in this notice as ''appendix M'').

DOE's regulations set forth at 10 CFR 430.27 contain provisions that allow a person to seek a waiver from the test procedure requirements for a particular basic model of a covered product when the petitioner's basic model for which the petition for waiver was submitted contains one or more design characteristics that either (1) prevent testing according to the prescribed test procedure, or (2) cause the prescribed test procedures to evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. 10 CFR 430.27(a)(1). A petitioner must include in its petition any alternate test procedures known to the petitioner to evaluate the basic model in a manner representative of its energy consumption. 10 CFR 430.27(b)(1)(iii).

DOE may grant a waiver subject to conditions, including adherence to alternate test procedures. 10 CFR 430.27(f)(2). As soon as practicable after the granting of any waiver, DOE will publish in the **Federal Register** a notice of proposed rulemaking to amend its regulations so as to eliminate any need for the continuation of such waiver. As soon thereafter as practicable, DOE will publish in the **Federal Register** a final rule. 10 CFR 430.27(l).

The waiver process also allows DOE to grant an interim waiver if it appears likely that the petition for waiver will be granted and/or if DOE determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the petition for waiver. 10 CFR 430.27(e)(2). Within one year of issuance of an interim waiver, DOE will either: (i) Publish in the **Federal Register** a determination on the petition for waiver; or (ii) publish in the **Federal Register** a new or amended test procedure that addresses the issues presented in the waiver. 10 CFR 430.27(h)(1). When DOE amends the test procedure to address the issues presented in a waiver, the waiver will automatically terminate on the date on which use of that test procedure is required to demonstrate compliance. 10 CFR 430.27(h)(2).

AeroSys' Petition for Waiver of Test Procedure and Application for Interim Waiver

On May 29, 2017, AeroSys filed a petition for waiver and an application for interim waiver from the CAC and HP test procedure set forth in 10 CFR part

[1] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated as Part A.

[2] All references to EPCA in this document refer to the statute as amended through the EPS Improvement Act of 2017, Public Law 11–115 (January 12, 2018).

430, subpart B, appendix M. AeroSys' request for a prospective waiver from certain provisions in 10 CFR part 430, subpart B, appendix M1, which is the test procedure applicable to central air conditioners and heat pumps after January 1, 2023, is premature and will not be considered by DOE at this time. Once compliance is required with appendix M1, AeroSys is free to submit any application for a waiver from the test procedure it believes necessary, and DOE will consider that application at such time.

According to AeroSys, testing the space constrained basic models listed in its petition [3] with coil-only indoor units (as required by the DOE test procedure), rather than with blower-coil indoor units (as they are distributed in commerce), will overstate their energy usage. Energy usage of coil-only tests for these models will be overstated because the default value for wattage required by the DOE coil-only test method exceeds the actual wattage of the high-efficiency motors used in the blower-coil indoor units with which the AeroSys models listed in its petition are paired in the field. AeroSys seeks to use an alternate test procedure to test and rate the basic models listed in its petition. AeroSys proposes to waive the DOE test procedure requirement to test these basic models with coil-only indoor units and instead, test with blower-coil indoor units in accordance with 10 CFR part 430, subpart B, as applicable.

AeroSys also requests an interim waiver from the existing DOE test procedure. An interim waiver may be granted if it appears likely that the petition for waiver will be granted, and/or if DOE determines that it would be desirable for public policy reasons to grant immediate relief pending a determination of the petition for waiver. See 10 CFR 430.27(e)(2).

Requested Alternate Test Procedure

EPCA requires that manufacturers use DOE test procedures to make representations about the energy consumption and energy consumption costs of products covered by the statute. (42 U.S.C. 6293(c)) Consistent representations are important for manufacturers to use in making representations about the energy efficiency of their products and to demonstrate compliance with applicable DOE energy conservation standards. Pursuant to its regulations applicable to waivers and interim waivers from applicable test procedures at 10 CFR 430.27, and after consideration of public comments on the petition, DOE will consider setting an alternate test procedure for the equipment identified by AeroSys in a subsequent Decision and Order.

As an alternate test procedure, AeroSys proposes that the basic models listed in the petition be tested according to the test procedure for central air conditioners and heat pumps prescribed by DOE at 10 CFR part 430, subpart B, appendix M, as applicable, except for the requirement under 10 CFR 429.16 that represented values for each model of outdoor unit be determined based on testing with a model of a coil-only indoor unit that is the least efficient indoor unit distributed in commerce with that particular outdoor unit. Instead, AeroSys requests that the specified basic models be tested and representations be determined by pairing the models only with blower-coil indoor units.

Summary of Grant an Interim Waiver

DOE conducted a review of AeroSys' public-facing materials, including websites, marketing materials, product spec sheets, labels, installation manuals, other consumer facing disclosures, etc. to confirm that these materials support AeroSys' assertions set forth in the petition about how they distribute the specified basic models in commerce. The public-facing materials that DOE found state that these models are ''sold and intended for use only with blower coil indoor units,'' ''AeroSys is not responsible for the performance and operation of a mismatched system,'' and ''Installers are encouraged to match to air handlers that are approved by AeroSys and listed in the [CCMS/AHRI] database.'' All materials reviewed by DOE can be found in the docket. DOE understands from AeroSys' petition that, absent an interim waiver, AeroSys' specified models cannot be tested and rated for energy consumption on a basis representative of their true energy consumption characteristics. DOE has reviewed the alternate test procedure suggested by AeroSys and concludes that it will allow for the accurate measurement of the efficiency of these specified models, while alleviating the testing problems associated with AeroSys' implementation of CAC and HP testing. DOE has determined that AeroSys' petition for waiver will likely be granted and that it is desirable for public policy reasons to grant AeroSys immediate relief pending a determination of the petition for waiver.

For the reasons stated, DOE has granted AeroSys' application for interim waiver for its specified basic models of space constrained central air conditioners and heat pumps. The substance of DOE's Interim Waiver Order is summarized below.

Therefore, DOE has issued an Order, stating:

(1) AeroSys must test and rate the CAC and HP basic models listed in paragraph (A) with the alternate test procedure set forth in paragraph (2):

(A) THDC–18PGA, THDC–18PGB, THDC–18RGA, THDC–18SGB, THDC–18TGB, THDC–24PGA, THDC–24PGB, THDC–24RGA, THDC–24SGB, THDC–24TGB, THDC–30PGB, THDC–30RGA, THDC–30SGB, THDC–30TGB, TTWC–R18P21, TTWC–R18R21, TTWC–R18S21, TTWC–R18T21, TTWC–R24P21, TTWC–R24R21, TTWC–R24S21, TTWC–R24T21, TTWC–R30P21, TTWC–R30R21, TTWC–R30S21, TTWC–R30T21, TTWH–R18H21, TTWH–R24H21, TTWH–R30H21, TTWC–R36H21

(2) The applicable method of test for the AeroSys basic models listed in paragraph (1)(A) is the test procedure for CAC and HP prescribed by DOE at 10 CFR part 430, subpart B, appendix M, except the determination of represented value requirements and units required for test per 10 CFR 429.16(a)(1), (b)(2) and (b)(2)(i) shall be as detailed below. All other requirements of 10 CFR part 429.16 remain applicable.

In 429.16(a), *Determination of Represented Value:*

(1) Required represented values for single-split system space-constrained AC with single-stage or two-stage compressor. Determine the represented values (including SEER, EER, HSPF, SEER2, EER2, HSPF2, PW, OFF, cooling capacity, and heating capacity, as applicable) for the individual models/combinations (or ''tested combinations'') specified in the following table.

[3] The specific basic models for which the petition applies are central air conditioner basic models THDC–18PGA, THDC–18PGB, THDC–18RGA, THDC–18SGB, THDC–18TGB, THDC–24PGA, THDC–24PGB, THDC–24RGA, THDC–24SGB, THDC–24TGB, THDC–30PGB, THDC–30RGA, THDC–30SGB, THDC–30TGB, TTWC–R18P21, TTWC–R18R21, TTWC–R18S21, TTWC–R18T21, TTWC–R24P21, TTWC–R24R21, TTWC–R24S21, TTWC–R24T21, TTWC–R30P21, TTWC–R30R21, TTWC–R30S21, TTWC–R30T21, TTWH–R18H21, TTWH–R24H21, TTWH–R30H21, TTWC–R36H21. These basic model names were provided by AeroSys in its May 2017 petition.

Category	Equipment subcategory	Required represented values
Outdoor Unit and Indoor Unit (Distributed in Commerce by OUM).	*Single-Split System Space-Constrained AC with Single-Stage or Two-Stage Compressor.*	*Every individual combination distributed in commerce, including all coil-only and blower coil combinations. For each model of outdoor unit, this must include the least efficient combination distributed in commerce with the particular model of outdoor unit.*

In 429.16(b), *Units tested:*

(2) Individual model/combination selection for testing of single-split system space-constrained AC with single-stage or two-stage compressor. (i) The table identifies the minimum testing requirements for each basic model that includes multiple individual models/combinations; if a basic model spans multiple categories or subcategories listed in the table, multiple testing requirements apply. For each basic model that includes only one individual model/combination, test that individual model/combination.

Category	Equipment subcategory	Must test:	With:
Outdoor Unit and Indoor Unit (Distributed in Commerce by OUM).	Single-Split System Space-Constrained AC with Single-Stage or Two-Stage Compressor.	The model of outdoor unit.	A model of indoor unit.

(3) *Representations.* AeroSys is permitted to make representations about the efficiency of the basic model listed in paragraph (1) for compliance, marketing, or other purposes only to the extent that the basic model has been tested in accordance with the provisions set forth above and such representations fairly disclose the results of such testing in accordance with 10 CFR 429.16 and 10 CFR part 430, subpart B, appendix M.

(4) This interim waiver shall remain in effect consistent with the provisions of 10 CFR 430.27(h) and (k).

(5) This interim waiver is issued to AeroSys on the condition that: (1) The statements, representations, test data, and documentary materials provided by the petitioner are valid, (2) AeroSys continues to distribute the specified basic models for exclusive installation with blower-coil indoor units; (3) All public-facing materials, including websites, marketing materials, product spec sheets, labels, nameplates, etc., make no representations that these basic models be installed in any other way; and (4) All public-facing materials state that these models are: ''sold and intended for use only with blower coil indoor units. AeroSys is not responsible for the performance and operation of a mismatched system. Installers are encouraged to match to air handlers that are approved by AeroSys and listed in the [CCMS/AHRI] database.'' DOE may revoke or modify this waiver at any time if it determines the factual basis underlying the petition for waiver is incorrect, the above listed conditions are not met, or the results from the alternate test procedure are unrepresentative of the basic model's true energy consumption characteristics.

(6) Granting of this interim waiver does not release AeroSys from the certification requirements set forth at 10 CFR part 429, other than those explicitly stated in paragraph (2).

DOE makes decisions on waivers and interim waivers for only those models specifically set out in the petition, not future models that may be manufactured by the petitioner. AeroSys may submit a new or amended petition for waiver and request for grant of interim waiver, as appropriate, for additional models of central air conditioners and heat pumps. Alternatively, if appropriate, AeroSys may request that this interim waiver (or subsequent waiver, if applicable) be extended to additional basic models employing the same technology as basic models specifically set out in this petition (see 10 CFR 430.27(g)).

Summary and Request for Comments

Through this notice, DOE announces receipt of AeroSys' petition for waiver from the DOE test procedure for certain basic models and announces DOE's decision to grant AeroSys an interim waiver from the test procedure for the basic models listed in AeroSys' petition. DOE is publishing AeroSys' petition for waiver in its entirety, pursuant to 10 CFR 430.27(b)(1)(iv). The petition contains no confidential information. The petition includes a suggested alternate test procedure, as specified in section III of this notice, to determine the energy consumption of AeroSys' specified space constrained central air conditioner and heat pump basic models. DOE may consider including the alternate procedure specified in the Order in a subsequent Decision and Order.

DOE invites all interested parties to submit in writing by June 29, 2018, comments and information on all aspects of the petition, including the suggested alternate test procedure and calculation and rating methodology. DOE also seeks comment and data on AeroSys' assertion that it exclusively distributes the space constrained air conditioner and heat pump basic models as blower-coil installations. Pursuant to 10 CFR 430.27(d), any person submitting written comments to DOE must also send a copy of such comments to the petitioner. The contact information for the petitioner is Scott Blake Harris, Harris, Wiltshire & Grannis LLP, 1919 M Street NW, Washington, DC 20036.

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

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

Do not submit to *http://www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or

financial information (hereinafter referred to as Confidential Business Information (CBI)). Comments submitted through *http://www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

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

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

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

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

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

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

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

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

Signed in Washington, DC, on May 17, 2018.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Office of Technology Development, Energy Efficiency and Renewable Energy.

Before the United States Department of Energy Washington, D.C. 20585

In the Matter of Energy Efficiency Program: Test Procedure for Testing Space-Constrained Trough-the-Wall Condensing Units, Docket No. EERE–2009–BT–TP–0004; RIN 1904–AB94.

Petition of AeroSys Inc. for Waiver of Test Procedure for Space-Constrained Through-the-Wall Condensing Units

AeroSys Inc. respectfully submits this Petition for Waiver and Application for Interim Waiver [1] of the Department of Energy's (DOE) test procedure for testing space-constrained through-the-wall (TTW) condensing units.[2]

AeroSys is a small American manufacturer of air conditioning equipment, including space-constrained TTW condensing units. It is located at 929 Eldridge Drive, Hagerstown, MD 21740. Phone: (301) 620–0002; fax: (301) 620–0685; *http://www.aerosysinc.com.*

The space-constrained TTW condensing units listed in Appendix I meet the criteria for a waiver.[3] The inclusion of coil-only tests in conjunction with these space-constrained TTW condensing units will evaluate these basic models in a manner so unrepresentative of their true energy characteristics as to provide materially inaccurate comparative data. DOE ''will grant a waiver from the test procedure requirements'' in these circumstances.[4]

Indeed, DOE has already recognized this specific situation and has solicited waiver requests to resolve it.[5]

AeroSys asks that a waiver be granted to allow it to use an alternate test procedure that provides for testing these basic models with blower coil testing instead of coil-only tests. This will more accurately measure the energy consumption of these products.

I. Basic Models for Which a Waiver is Requested

The basic models for which a waiver is requested are the models set forth in Appendix I. They are manufactured by AeroSys in the United States and are distributed in commerce under the AeroSys brand name.

II. Need for the Requested Waiver

AeroSys manufactures space-constrained TTW condensing units. These products are beneficial in a number of special settings, such as multi-story residential applications with limited space. AeroSys' models are certified for use with high efficiency blower coil indoor units (air handlers).

Due to the space-constrained nature of the TTW condensing units, they are sold and intended for use only with high efficiency blower coil indoor units fitted with ECM motors. At no time has AeroSys sold these models with anything other than blower coil indoor units. This is clearly stated in AeroSys' public-facing materials. For example, a sales brochure states:

[1] *See* 10 CFR 430.27 (waiver and interim waiver).

[2] *Id.* Part 430, Subpart B, Appendix M (test procedure for central air conditioners and heat pumps).

[3] *Id.* § 430.27(f)(2).

[4] *Id.*

[5] FR 1427, 1462 (Jan. 5, 2017).

AeroSys TTWC–R**H Series units are sold and intended for use only with blower coil indoor units. To see a list of approved air handlers please go to *www.aerosysinc.com/certified-ratings.*[6]

Such statements also are on the AeroSys website[7] and in Installation, Operation, and Maintenance Manuals.[8]

Testing these models with coil-only combinations, rather than in the intended manner with blower coil indoor units, will overstate energy usage and thus would not reflect the models' true energy characteristics. That is because the default value for wattage in coil-only testing exceeds the actual wattage of the high efficiency motors used in the AeroSys models.

DOE has addressed this situation and recently solicited waiver requests to deal with it.[9] DOE acknowledged that the text of its current regulations does not provide for an exclusion for coil-only testing for blower coil indoor units. It then solicited waiver requests to remedy the problem:

If a manufacturer believes that coil-only testing of a product is not appropriate because the basic model is only sold and installed exclusively with blower coil indoor units, the manufacturer may petition DOE for a test procedure waiver showing that installation is exclusively blower coil and requesting a blower coil test.

This reasoning applies squarely to AeroSys' situation. AeroSys has conferred with DOE about applying for a waiver.

Requiring testing of the models in Appendix I with coil-only combinations will effectively eliminate such products due to the default value for wattage in coil-only testing. It will cause grave economic hardship for AeroSys—jeopardizing the company's viability. It will also create substantial difficulty for the housing industry, which will be deprived of these beneficial products.

III. Proposed Alternate Test Procedure.

AeroSys proposes the following alternate test procedure to evaluate the performance of the basic models listed in Appendix I.

AeroSys shall be required to test the performance of the basic models listed in Appendix I according to the test procedure for central air conditioners and heat pumps prescribed by DOE at 10 C.F.R. part 430, subpart B, Appendix M or Appendix M1 (when effective), as applicable, except as follows:

The basic models shall not be subject to coil-only testing or rating and shall instead be tested using a blower-coil test in accordance with 10 C.F.R. part 430, subpart B, Appendix M or Appendix M1 (when effective), as applicable. The waiver should continue until DOE adopts an applicable amended test procedure.

IV. Request for Interim Waiver.

AeroSys also requests an interim waiver for its testing and rating of the foregoing basic models. DOE ''will grant an interim waiver'' if it appears likely that the petition for waiver will be granted and/or if DOE determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the petition for waiver.[8] AeroSys warrants an interim waiver under these criteria.

The petition for waiver is likely to be granted, as evidenced by its merits. And immediate relief is warranted based on public policy reasons. Without waiver relief, AeroSys will be subject to requirements that should not apply to such products. These useful products will be effectively eliminated, causing grave economic hardship for AeroSys and negative effects for housing.

V. Other Manufacturers.

A list of manufacturers of all other basic models distributed in commerce in the United States and known to AeroSys to incorporate design characteristic(s) similar to those found in the basic model(s) that are the subject of the petition is set forth in Appendix II.

VI. Conclusion.

DOE should grant AeroSys the requested waiver and interim waiver for the models listed in Appendix I. Further, AeroSys requests expedited treatment of the Petition and Application. It is also willing to provide promptly any additional information the Department thinks it needs to act with expedition.

Respectfully submitted,

Scott Blake Harris
John A. Hodges
Harris, Wiltshire & Grannis LLP
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(202) 730–1330
Counsel to AeroSys Inc.

May 29, 2017

APPENDIX I

The waiver and interim waiver requested herein should apply to testing and rating of the following basic models.

THDC–18PGA, THDC–18PGB, THDC–18RGA, THDC–18SGB, THDC–18TGB, THDC–24PGA, THDC–24PGB, THDC–24RGA, THDC–24SGB, THDC–24TGB, THDC–30PGB, THDC–30RGA, THDC–30SGB, THDC–30TGB, TTWC–R18P21, TTWC–R18R21, TTWC–R18S21, TTWC–R18T21, TTWC–R24P21, TTWC–R24R21, TTWC–R24S21, TTWC–R24T21, TTWC–R30P21, TTWC–R30R21, TTWC–R30S21, TTWC–R30T21, TTWH–R18H21, TTWH–R24H21, TTWH–R30H21, TTWC–R36H21

APPENDIX II

The following are manufacturers of all other basic models distributed in commerce in the United States and known to AeroSys to incorporate design characteristic(s) similar to those found in the basic model(s) that are the subject of the petition for waiver.

First Co.

National Comfort Products

[FR Doc. 2018–11543 Filed 5–29–18; 8:45 am]

BILLING CODE 6450–01–P

[6] See AeroSys Sales Brochure, Thru-The-Wall TTWC–R Series Condensing Unit Catalog, 1–1/2 To 2–1/2 Ton Capacity, at *http://www.aerosysinc.com/files/170523%20SALES%20LIT/TTWC-Condensing%20Unit%201.5%20TO%202.5%20TON%20CATALOG%20R170526.pdf.*

[7] See *http://www.aerosysinc.com/products/1/thru-the-wall-condensing-1-to-25-ton.*

[8] See AeroSys Installation Operation and Maintenance Manual, TTWC Series Through-The-Wall Condensing Units, at *http://www.aerosysinc.com/files/IOM%20TTW%20R170524/TTWC-R()X%20IOM%201.5%20TO%202.5%20TON%20R052317.pdf.*

[9] 82 Fed. Reg. at 1462.

[8] *Id.* § 430.27(e)(2).

DEPARTMENT OF ENERGY

[Case No. 2017–013]

Notice of Petition for Waiver of GD Midea Heating & Ventilating Equipment Co., Ltd. From the Department of Energy Central Air Conditioners and Heat Pumps Test Procedure, and Notice of Grant of Interim Waiver

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of petition for waiver and grant of an interim waiver, and request for comments.

SUMMARY: This notice announces receipt of and publishes a petition for waiver from GD Midea Heating & Ventilating Equipment Co., Ltd. (GD Midea) seeking a waiver from the U.S. Department of Energy (DOE) test procedure for determining the efficiency of central air conditioners (CACs) and heat pumps (HPs). GD Midea seeks to use an alternate test procedure to address issues involved in testing certain basic models identified in its petition. According to GD Midea, the appendix M test procedure does not include a method for testing specified CAC and

HP basic models that use variable-speed compressors and are matched with a coil-only indoor unit (hereafter referred to as ''variable-speed coil-only single-split systems''). GD Midea requests that it be permitted to test its variable-speed coil-only single-split systems with the cooling full-load air volume rate used as both the cooling intermediate and minimum air volume rates, and the heating full-load air volume rate used as the heating intermediate air volume rate. This notice announces that DOE grants GD Midea an interim waiver from the DOE CAC and HP test procedure for its specified basic models, subject to use of the alternate test procedure as set forth in the Order. DOE solicits comments, data, and information concerning GD Midea's petition and the alternate test procedure.

DATES: DOE will accept comments, data, and information with respect to the GD Midea petition until June 29, 2018.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by case number ''2017–013'' and Docket number ''EERE–2017–BT–WAV–0060,'' by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: Midea2017WAV0060@ee.doe.gov.* Include the case number *[Case No. 2017–013]* in the subject line of the message.
- *Postal Mail:* Ms. Lucy deButts, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, Petition for Waiver Case No. 2017–013, 1000 Independence Avenue SW, Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.
- *Hand Delivery/Courier:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW, 6th Floor, Washington, DC 20024. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted. For detailed instructions on submitting comments and additional information on this process, see section V of this document.

Docket: The docket, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *http://www.regulations.gov.* All documents in the docket are listed in the *http://www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at *http://www.regulations.gov/docket?D=EERE-2017-BT-WAV-0060.* The docket web page contains instruction on how to access all documents, including public comments, in the docket. See section V for information on how to submit comments through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Lucy deButts, U.S. Department of Energy, Building Technologies Program, Mail Stop EE–5B, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585–0121. Email: *AS_Waiver_Requests@ee.doe.gov.*

Mr. Pete Cochran, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC–33, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585–0103. Telephone: (202) 586–9496. Email: *peter.cochran@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Authority

Title III, Part B [1] of the Energy Policy and Conservation Act of 1975 (EPCA), Public Law 94–163 (42 U.S.C. 6291–6309, as codified) established the Energy Conservation Program for Consumer Products Other Than Automobiles, which includes central air conditioners and heat pumps.[2] Part B includes definitions, test procedures, labeling provisions, energy conservation standards, and the authority to require information and reports from manufacturers. Further, Part B requires the Secretary of Energy to prescribe test procedures that are reasonably designed to produce results that measure energy efficiency, energy use, or estimated operating costs during a representative average-use cycle, and that are not unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) The test procedure for central air conditioners and heat pumps is contained in 10 CFR part 430, subpart B, appendix M (referred to in this notice as ''appendix M'').

DOE's regulations set forth at 10 CFR 430.27 contain provisions that allow a person to seek a waiver from the test procedure requirements for a particular basic model of a covered product when the petitioner's basic model for which the petition for waiver was submitted contains one or more design characteristics that either (1) prevent testing according to the prescribed test procedure, or (2) cause the prescribed test procedures to evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. 10 CFR 430.27(a)(1). A petitioner must include in its petition any alternate test procedures known to the petitioner to evaluate the basic model in a manner representative of its energy consumption. 10 CFR 430.27(b)(1)(iii).

DOE may grant a waiver subject to conditions, including adherence to alternate test procedures. 10 CFR 430.27(f)(2). As soon as practicable after the granting of any waiver, DOE will publish in the **Federal Register** a notice of proposed rulemaking to amend its regulations so as to eliminate any need for the continuation of such waiver. As soon thereafter as practicable, DOE will publish in the **Federal Register** a final rule. 10 CFR 430.27(l).

The waiver process also allows DOE to grant an interim waiver if it appears likely that the petition for waiver will be granted and/or if DOE determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the petition for waiver. 10 CFR 430.27(e)(2). Within one year of issuance of an interim waiver, DOE will either: (i) Publish in the **Federal Register** a determination on the petition for waiver; or (ii) publish in the **Federal Register** a new or amended test procedure that addresses the issues presented in the waiver. 10 CFR 430.27(h)(1). When DOE amends the test procedure to address the issues presented in a waiver, the waiver will automatically terminate on the date on which use of that test procedure is required to demonstrate compliance. 10 CFR 430.27(h)(2).

II. GD Midea's Petition for Waiver of Test Procedure and Application for Interim Waiver

On October 27, 2017, GD Midea filed a petition for waiver and an application for interim waiver from the CAC and HP test procedure set forth in appendix M. According to GD Midea, appendix M does not include provisions for determining cooling intermediate air volume rate, cooling minimum air volume rate, and heating intermediate air volume rate for its variable-speed coil-only single-split systems.

[1] For editorial reasons, upon codification in the U.S. Code, Part B was re-designated as Part A.

[2] All references to EPCA in this document refer to the statute as amended through the EPS Improvement Act of 2017, Public Law 115–115 (January 12, 2018).

Consequently, GD Midea cannot test or rate these systems in accordance with the DOE test procedure. GD Midea stated that its variable-speed outdoor units are non-communicative systems (*i.e.,* the outdoor unit does not communicate with the indoor unit) for which compressor speed varies based only on controls located on the outdoor unit and the indoor unit maintains a constant indoor blower fan speed.

GD Midea seeks to use an alternate test procedure to test and rate specific CAC and HP basic models of its variable-speed coil-only single-split systems, which would specify the use of cooling full-load air volume rates as determined in section 3.1.4.1.1.c of appendix M as cooling intermediate and cooling minimum air volume rates, and would specify the use of heating full-load air volume rates as determined in section 3.1.4.4.1.a of appendix M as heating intermediate air volume rate.

GD Midea also requests an interim waiver from the existing DOE test procedure. An interim waiver may be granted if it appears likely that the petition for waiver will be granted, and/or if DOE determines that it would be desirable for public policy reasons to grant immediate relief pending a determination of the petition for waiver. See 10 CFR 430.27(e)(2).

DOE understands that absent an interim waiver, the specified variable-speed coil-only single-split models that are subject of the waiver cannot be tested under the existing test procedure because appendix M does not include provisions for determining certain air volume rates for variable-speed coil-only single-split systems. Typical variable-speed single-split systems have a communicating system, *i.e.,* the outdoor units and indoor units communicate and indoor unit air flow varies based on the operation of the outdoor unit. However, as presented in GD Midea's petition, its variable-speed outdoor units are non-communicative systems and the indoor blower section maintains a constant indoor blower fan speed.

III. Requested Alternate Test Procedure

EPCA requires that manufacturers use DOE test procedures to make representations about the energy consumption and energy consumption costs of products covered by the statute. (42 U.S.C. 6293(c)) Consistent representations are important for manufacturers to use in making representations about the energy efficiency of their products and to demonstrate compliance with applicable DOE energy conservation standards. Pursuant to its regulations applicable to waivers and interim waivers from applicable test procedures at 10 CFR 430.27, and after consideration of public comments on the petition, DOE will consider setting an alternate test procedure for the equipment identified by GD Midea in a subsequent Decision and Order.

In its petition, GD Midea requests that specified basic models listed in the petition be tested according to the test procedure for central CACs and HPs prescribed by DOE at appendix M, except that for coil-only systems, the cooling full-load air volume rate is also used as the cooling intermediate and cooling minimum air volume rates, and the heating full-load air volume rate is used as the heating intermediate air volume rate.

IV. Summary of Grant of an Interim Waiver

DOE has reviewed GD Midea's petition for interim waiver, the alternate procedure requested by GD Midea, and public-facing materials (*e.g.,* marketing materials, product specification sheets, and installation manuals) for the units identified in its petition. The public-facing materials that DOE reviewed support GD Midea's assertion that the units it identifies are installed as variable-speed coil-only systems, in which the indoor fan speed remains constant at full and part-load operation. Since there is no variability in indoor fan speed, using the cooling full-load air volume rate for the cooling intermediate and cooling minimum air volume rates, and the heating full load air volume rate as the heating intermediate air volume rate appears appropriate. Based on this review, the alternate test procedure appears to allow for the accurate measurement of efficiency of these products, while alleviating the testing problems associated with GD Midea's implementation of CAC and HP testing for the basic models specified in GD Midea's petition. Consequently, GD Midea's petition for waiver will likely be granted. Furthermore, DOE has determined that it is desirable for public policy reasons to grant GD Midea immediate relief pending a determination on the petition for waiver. For the reasons stated above, DOE has granted an interim waiver to GD Midea for the specified CAC and HP basic models in GD Midea's petition.

Therefore, DOE has issued an Order, stating:

(1) GD Midea must test and rate the GD Midea Heating & Ventilating Equipment Co., Ltd brand and Bosch Thermotechnology Corp brand single-split CAC and HP basic models MOVA–36HDN1–M18M and MOVA–60HDN1–M18M (which contain individual combinations that each consist of an outdoor unit that uses a variable speed compressor matched with a coil-only indoor unit, and is designed to operate as part of a non-communicative system in which the compressor speed varies based only on controls located in the outdoor unit and the indoor blower unit maintains a constant indoor blower fan speed), using the alternate test procedure set forth in paragraph (2).

GD Midea basic models MOVA–36HDN1–M18M and MOVA–60HDN1–M18M include the following individual combinations listed by brand name:

GD Midea Heating & Ventilating Equipment Co., LTD (Brand)			Bosch Thermotechnology Corp (Brand)		
Basic model No.	Outdoor unit	Indoor unit	Basic model No.	Outdoor unit	Indoor unit
MOVA–36HDN1–M18M	MOVA–36HDN1–M18M	MC**2430ANTF	MOVA–36HDN1–M18M	BOVA–36HDN1–M18M	BMA*2430ANTD
MOVA–36HDN1–M18M	MOVA–36HDN1–M18M	MC**2430BNTF	MOVA–36HDN1–M18M	BOVA–36HDN1–M18M	BMA*2430BNTD
MOVA–36HDN1–M18M	MOVA–36HDN1–M18M	MC**3036ANTD	MOVA–36HDN1–M18M	BOVA–36HDN1–M18M	BMA*3036ANTD
MOVA–36HDN1–M18M	MOVA–36HDN1–M18M	MC**3036BNTD	MOVA–36HDN1–M18M	BOVA–36HDN1–M18M	BMA*3036BNTD
MOVA–36HDN1–M18M	MOVA–36HDN1–M18M	MC**3036CNTD	MOVA–36HDN1–M18M	BOVA–36HDN1–M18M	BMA*3036CNTD
MOVA–60HDN1–M18M	MOVA–60HDN1–M18M	MC**4248BNTF	MOVA–60HDN1–M18M	BOVA–60HDN1–M18M	BMA*4248BNTF
MOVA–60HDN1–M18M	MOVA–60HDN1–M18M	MC**4248CNTF	MOVA–60HDN1–M18M	BOVA–60HDN1–M18M	BMA*4248CNTF
MOVA–60HDN1–M18M	MOVA–60HDN1–M18M	MC**4248DNTF	MOVA–60HDN1–M18M	BOVA–60HDN1–M18M	BMA*4248DNTF
MOVA–60HDN1–M18M	MOVA–60HDN1–M18M	MC**4860CNTF	MOVA–60HDN1–M18M	BOVA–60HDN1–M18M	BMA*4860CNTF
MOVA–60HDN1–M18M	MOVA–60HDN1–M18M	MC**4860DNTF	MOVA–60HDN1–M18M	BOVA–60HDN1–M18M	BMA*4860DNTF

(2) The applicable method of test for the GD Midea basic models identified in paragraph (1) is the test procedure for CACs and HPs prescribed by DOE at 10 CFR part 430, subpart B, appendix M, except that, for coil-only combinations:

The cooling full-load air volume rate as determined in section 3.1.4.1.1.c of appendix M shall also be used as the cooling intermediate and cooling minimum air volume rates, and the heating full-load air volume rate as determined in section 3.1.4.4.1.a of appendix M shall also be used as the heating intermediate air volume rate, as detailed below. All other requirements of appendix M and DOE's regulations remain applicable.

In 3.1.4.2, *Cooling Minimum Air Volume Rate,* include:

f. For ducted variable-speed compressor systems tested with a coil-only indoor unit, the cooling minimum air volume rate is the same as the cooling full-load air volume rate determined in section 3.1.4.1.1.c.

In 3.1.4.3, *Cooling Intermediate Air Volume Rate,* include:

d. For ducted variable-speed compressor systems tested with a coil-only indoor unit, the cooling intermediate air volume rate is the same as the cooling full-load air volume rate determined in section 3.1.4.1.1.c.

In 3.1.4.6, *Heating Intermediate Air Volume Rate,* include*:*

d. For ducted variable-speed compressor systems tested with a coil-only indoor unit, the heating intermediate air volume rate is the same as the heating full-load air volume rate determined in section 3.1.4.4.1.a.

(3) Representations. GD Midea is permitted to make representations about the efficiency of basic models that meet the requirements of paragraph (1) for compliance, marketing, or other purposes only to the extent that the basic model has been tested in accordance with the provisions set forth in the alternate test procedure and such representations fairly disclose the results of such testing in accordance with 10 CFR 429.16 and 10 CFR part 430, subpart B, appendix M.

(4) This interim waiver shall remain in effect consistent with the provisions of 10 CFR 430.27(h) and (k).

(5) This interim waiver is issued to GC Midea on the condition that the statements, representations, and documentary materials provided by the petitioner are valid. If GD Midea makes any modifications to the controls or configurations of these basic models, the waiver would no longer be valid and GD Midea would either be required to use the current Federal test method or submit a new application for a test procedure waiver. DOE may revoke or modify this waiver at any time if it determines the factual basis underlying the petition for waiver is incorrect, or the results from the alternate test procedure are unrepresentative of the basic models' true energy consumption characteristics.

(6) Granting of this interim waiver does not release GD Midea from the certification requirements set forth at 10 CFR part 429.

DOE makes decisions on waivers and interim waivers for only those basic models specifically set out in the petition, not future basic models that may be manufactured by the petitioner. GD Midea may submit a new or amended petition for waiver and request for grant of interim waiver, as appropriate, for additional basic models of central air conditioners and heat pumps. Alternatively, if appropriate, GD Midea may request that DOE extend the scope of a waiver or an interim waiver to include additional basic models employing the same technology as the basic model(s) set forth in the original petition consistent with 10 CFR 430.27(g).

V. Request for Comments

DOE is publishing GD Midea's petition for waiver in its entirety, pursuant to 10 CFR 430.27(b)(1)(iv). The petition did not identify any information as confidential business information. The petition includes a suggested alternate test procedure, as specified in section III of this notice, to determine the energy consumption of GD Midea's specified CAC and HP basic models. DOE may consider including the alternate procedure specified in the Order in a subsequent Decision and Order.

DOE invites all interested parties to submit in writing by June 29, 2018, comments and information on all aspects of the petition, including the alternate test procedure. Pursuant to 10 CFR 430.27(d), any person submitting written comments to DOE must also send a copy of such comments to the petitioner. The contact information for the petitioner is Jack Wang, Certification Engineer, GD Midea Heating & Ventilating Equipment Co., Ltd., Midea Industrial City, Beijiao, Shunde District Foshan, Guangdong, P.R.C. 528311, *chao7.wang@midea.com.cn.*

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

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

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

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

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

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via mail or hand delivery, please provide all items on a CD, if feasible. It is not necessary to submit printed

copies. No facsimiles (faxes) will be accepted.

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

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

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

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

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

Signed in Washington, DC, on May 17, 2018.

Kathleen B. Hogan,

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

BILLING CODE 6450–01–P

GD Midea Heating & Ventilating Equipment Co., Ltd.
Midea Industrial City, Beijiao, Shunde District
Foshan, Guangdong, P.R.C. 528311

October 27, 2017
Lucy Debutts
Building Technologies Program
U.S. Department of Energy
Mailstop EE-2J
Forrestal Building, 1000 Independence Avenue SW.
Washington, DC 20585-0121
Submitted via email to the following address: AS_Waiver_Requests@ee.doe.gov

Petition for Waiver and Interim Waiver for certain GD Midea's variable speed coil-only single-split systems

Dear Ms. Lucy Debutts:
Pursuant to 10 CFR 430.27, GD Midea Heating & Ventilating Equipment Co., Ltd. (GD Midea) respectfully submits this petition for waiver, and request for interim waiver with regards to its variable compressor systems with coil-only configuration listed in Table 1 of page 3.

The scope of the test procedure for central air conditioners (CAC) and heat pumps (HP) found in Appendix M to Subpart B of 10 CFR Part 430 (hereinafter referred to as "Appendix M") includes single-split air-conditioners and heat pumps that are coil-only systems and having a variable-speed compressor (hereinafter referred to as "variable-speed coil-only single-split systems"). However, whereas Appendix M provides some provisions to test variable-speed coil-only single-split system overall, it does not provide specific coverage for determining cooling intermediate air volume rate, cooling minimum air volume rate, and heating intermediate air volume rate for these products. This creates difficulty in applying Appendix M to test variable-speed coil-only single-split systems. GD Midea seeks a test procedure waiver to test its variable-speed coil-only single-split systems using the proposed alternative test procedure prescribed in section V of this petition. We hereby also request an interim waiver. The granting of an interim waiver is crucial to GD Midea as it will allow us to accurately rate, certify, and provide US consumers with highly efficient variable-speed coil-only single-split systems.

(a) GD Midea Heating &Ventilating Equipment Co., Ltd.

GD Midea Heating &Ventilating Equipment Co., Ltd. (also known as Midea Commercial Air Conditioner, MCAC) is a division of the Midea Group founded in 1968. It was established in 1999 and manufactured China's first Variable Refrigerant Flow (VRF) system in 2000. Midea is among the world's largest manufacturers of electric motors, compressors and HVAC equipment with an established global footprint of more than 200 subsidiaries, over 60 overseas branches and 12 strategic business units.

MCAC is a global leading manufacturer in commercial and residential air-conditioning technology, including inverter variable speed technology. Through its R&D division, GD Midea strives to develop and manufacture the most energy-efficient central air conditioner and heat pump systems for residential use, including high efficiency variable speed systems.

(b) Background

Variable speed compressor technology has been proven to be an effective way to improve the overall energy efficiency of air-conditioning products. GD Midea's variable-speed outdoor condensing unit was developed specifically for US consumers to benefit from ease of installation and use, as well as significant energy-efficiency saving.

Currently, most units installed in the U.S. market are single and two-stage systems. It is our understanding that most variable speed split system requires a proprietary communicating method and exclusively works with a specific blower-coil unit from the same manufacturer. To provide consumers a more convenient replacement of their single or two-stage systems, GD Midea's variable speed outdoor units are designed as non-communicative systems. This unique technical characteristic makes GD Midea's systems easy to install and service.

The scope of Appendix M includes variable-speed coil-only single-split systems. However, Appendix M lacks coverage for manufacturers to test these systems to the fullest extent of the test procedure. For example, Appendix M does not provide specific coverage for these products to determine cooling intermediate air volume rate, cooling minimum air volume rate and heating intermediate air volume rate. This void in the test procedure makes it impossible for manufacturers to test a variable-speed system in a coil-only configuration in full compliance with the test procedure.

More specifically, Table 8 and Table 14 present in Appendix M provide respectively cooling and heating mode test conditions for units having a variable-speed compressor.

These tables prescribe six air volume rates (cooling minimum, cooling intermediate, cooling full-load, heating minimum, heating intermediate, heating full-load) at which units with variable speed compressor need to be tested. These six air volume rates are then determined using sections 3.1.4.1 through 3.1.4.6.

However, problem arises when trying to determine cooling minimum, cooling intermediate, and heating

intermediate for variable-speed coil-only single-split systems, as respective sections 3.1.4.2, 3.1.4.3, and 3.1.4.6 do not provide coverage for these systems.

To remedy this situation, GD Midea is proposing an alternative test procedure (see section V of this petition) that provides additional coverage to Appendix M for variable-speed coil-only single-split systems, preserves the spirit and intent of the test procedure, and results in the generation of ratings that are representative of the systems' true energy consumption characteristics.

(c) Basic Models for Which Waiver Is Requested

GD Midea is requesting a waiver and interim waiver to test its single-split CAC and HP outdoor unit basic models that use variable speed compressor and are matched with coil-only indoor units, using the proposed alternative test procedure described in section V of this petition. Specifically, GD Midea waiver and interim waiver request covers the following basic models:

Table 1

GD MIDEA HEATING & VENTILATING EQUIPMENT CO., LTD			BOSCH THERMOTECHNOLOGY CORP		
Basic Model Number	Outdoor Unit	Indoor Unit	Basic Model Number	Outdoor Unit	Indoor Unit
MOVA-36HDN1-M18M	MOVA-36HDN1-M18M	MC**2430ANTF	MOVA-36HDN1-M18M	BOVA-36HDN1-M18M	BMA*2430ANTD
MOVA-36HDN1-M18M	MOVA-36HDN1-M18M	MC**2430BNTF	MOVA-36HDN1-M18M	BOVA-36HDN1-M18M	BMA*2430BNTD
MOVA-36HDN1-M18M	MOVA-36HDN1-M18M	MC**3036ANTD	MOVA-36HDN1-M18M	BOVA-36HDN1-M18M	BMA*3036ANTD
MOVA-36HDN1-M18M	MOVA-36HDN1-M18M	MC**3036BNTD	MOVA-36HDN1-M18M	BOVA-36HDN1-M18M	BMA*3036BNTD
MOVA-36HDN1-M18M	MOVA-36HDN1-M18M	MC**3036CNTD	MOVA-36HDN1-M18M	BOVA-36HDN1-M18M	BMA*3036CNTD
MOVA-60HDN1-M18M	MOVA-60HDN1-M18M	MC**4248BNTF	MOVA-60HDN1-M18M	BOVA-60HDN1-M18M	BMA*4248BNTF
MOVA-60HDN1-M18M	MOVA-60HDN1-M18M	MC**4248CNTF	MOVA-60HDN1-M18M	BOVA-60HDN1-M18M	BMA*4248CNTF
MOVA-60HDN1-M18M	MOVA-60HDN1-M18M	MC**4248DNTF	MOVA-60HDN1-M18M	BOVA-60HDN1-M18M	BMA*4248DNTF
MOVA-60HDN1-M18M	MOVA-60HDN1-M18M	MC**4860CNTF	MOVA-60HDN1-M18M	BOVA-60HDN1-M18M	BMA*4860CNTF
MOVA-60HDN1-M18M	MOVA-60HDN1-M18M	MC**4860DNTF	MOVA-60HDN1-M18M	BOVA-60HDN1-M18M	BMA*4860DNTF

These systems have the following characteristics:

1、 There is no communication between the variable-speed outdoor unit and the indoor unit;

2、 The air volume rate remains constant at all time.

(d) Grounds for Test Procedure Waiver

Appendix M prescribes that on or after July 5, 2017 and prior to January 1, 2023, any representations, including compliance certifications, made with respect to the energy use, power, or efficiency of central air conditioners and central air conditioning heat pumps must be based on the results of testing pursuant to appendix M. In addition, ratings generated using Appendix M are then used to determine compliance with the provisions of paragraph (c) of 10 CFR 430.32, energy and water conservation standards for air-conditioners and heat pumps.

Given the fact that variable-speed coil-only single-split systems are included in the scope of Appendix M and 10 CFR 430.32, absence of comprehensive coverage for these products in Appendix M hinders manufacturers in (1) establishing ratings in compliance with federal law, (2) determining compliance with DOE's minimum efficiency standards present in 10 CFR 430.32, (3) complying with DOE's certification requirements set forth in 10 CFR 429, and (4) ultimately distributing these products in commerce.

(e) Alternative Test Procedure

GD Midea is proposing to use the following alternative test procedure to test its variable-speed coil-only single-split systems. The proposed alternative test procedure developed by GD Midea is based on the Appendix M and fill the voids that currently exist in the test procedure to adequately cover these products. It is to be noted that GD Midea has only evaluated and confirmed the suitability and practicability of the proposed alternative test procedure on its own products which are listed in Section III which have the following characteristics:

1、 No communication between the variable-speed outdoor unit and the indoor unit;

2、 The air volume rate remains constant at all time.

As previously mentioned, the main issue GD Midea encountered when trying to rate its variable-speed coil-only single-split systems to appendix M is the absence of specific provisions for cooling intermediate air volume rate, cooling minimum air volume rate and heating intermediate air volume rate.

Considering the unique technical characteristics of our systems mentioned above, GD Midea is proposing to determine the six air volume rates in Table 8 and Table 14 as follow:

- Cooling full-load air volume rate: Determined using 3.1.4.1.1.c (no change proposed)

- Cooling intermediate air volume rate: Use the cooling full-load air volume rate as the cooling intermediate air volume rate. Use the final control settings as determined when setting the cooling full-load air volume rate, if necessary to reset to the cooling full-load air volume rate obtained in section 3.1.4.1.1.c
- Cooling minimum air volume rate: Use the cooling full-load air volume rate as the cooling minimum air volume rate. Use the final control settings as determined when setting the cooling full-load air volume rate, if necessary to reset to the cooling full-load air volume rate obtained in section 3.1.4.1.1.c
- Heating full-load air volume rate: Determined using 3.1.4.4.1.a (no change proposed)
- Heating intermediate air volume rate: Use the heating full-load air volume rate as the heating intermediate air volume rate. Use the final control settings as determined when setting the heating full-load air volume rate, if necessary to reset to the heating full-load air volume rate obtained in section 3.1.4.4.1.a
- Heating minimum air volume rate: Determined using 3.1.4.5.1.a (no change proposed)

(f) Technical Justification for Alternative Test Procedure

GD Midea's systems which are listed in Section III of this petition have significantly distinguishable technical differences with conventional variable capacity units:

- Conventional variable speed single-split systems are typically communicating systems, i.e. the condenser units and indoor units communicate, and indoor unit air flow varies.
- GD Midea's variable speed single-split systems differ as the variable speed control logic resides with the condenser (outdoor unit) and no communication is required between indoor and outdoor unit, and indoor air flow does NOT vary.

When our systems operate, the indoor air volume rate remains constant while the condenser unit modulates compressor speed in response to the different ambient environment.

(g) Similar Products

GD Midea is aware of the following manufacturers of single-split residential central air conditioners and heat pumps that offer systems have variable speed compressor: Carrier Corporation, Daikin Industries, Lennox International Inc., Nortek Global HVAC, Rheem Sales Company, Trane and York by Johnson Controls.

(h) Petition for Interim Waiver

Pursuant to 10 CFR 430.27, GD Midea is also requesting an interim waiver to test GD Midea's variable coil-only systems. Interim relief is important to ensure that GD Midea can (1) establish ratings in compliance with

federal law, (2) determine compliance with DOE's minimum efficiency standards present in 10 CFR 430.32, (3) comply with DOE's certification requirements set forth in 10 CFR 429, and (4) distribute its products in commerce and provide US consumers with systems that offer ease of use and installation, as well as significant energy-efficiency savings, while DOE considers the merits of GD Midea's petition for waiver.

(i) Arguments for Granting Waiver and Interim Waiver

GD Midea believes there are strong arguments for granting its petition:

- From a procedural stand-point, GD Midea has identified a void in the current test procedure and proposed an alternative test procedure that is technically sound, proven, easily justifiable, aligned with the spirit and intent of the existing Appendix M test procedure, and which provides ratings that are accurate and representative of the systems' true energy consumption characteristics.
- From a competitive stand-point, the current void in the test procedure puts GD Midea, as well as any other manufacturers' whose products may be impacted, at a significant competitive disadvantage.
- From a public policy stand-point, the current void in the test procedure prevents the distribution in commerce of products that offer US consumer with systems that are easy to install and use, and which provide significant energy-efficiency savings.

For these reasons, GD Midea urges the Department to grant an interim waiver while considering the petition for waiver set out above.

(j) Conclusion

For the reasons stated above, GD Midea respectfully requests that DOE grants this petition for waiver to test its variable-speed coil-only single-split systems using Appendix M to Subpart B of 10 CFR part 430 with the supplemental instructions provided in Section V of this petition. GD Midea further requests that DOE grants its request for an interim waiver while its petition for waiver is under consideration.

Should you have any questions or would like to discuss this request, please contact me at chao7.wang@midea.com.cn. We greatly appreciate your attention to this matter.

Sincerely,

Jack Wang
Certification Engineer
chao7.wang@midea.com.cn

[FR Doc. 2018–11544 Filed 5–29–18; 8:45 am]
BILLING CODE 6450–01–C

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC18–8–000]

Commission Information Collection Activities (FERC–716); Comment Request

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Comment request.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is submitting its information collection [FERC–716, Good Faith Requests for Transmission Service and Good Faith Responses by Transmitting Utilities Under Sections 211(a) and 213(a) of the Federal Power Act (FPA)] to the Office of Management and Budget (OMB) for review of the information collection requirements. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission previously published a Notice in the **Federal Register** on 2/7/2018 requesting public comments. The Commission received no comments on the FERC–716 and is making this notation in its submittal to OMB.

DATES: Comments on the collection of information are due by June 29, 2018.

ADDRESSES: Comments filed with OMB, identified by the OMB Control No. 1902–0170, should be sent via email to the Office of Information and Regulatory Affairs: *oira_submission@omb.gov.* Attention: Federal Energy Regulatory Commission Desk Officer. The Desk Officer may also be reached via telephone at 202–395–8528.

A copy of the comments should also be sent to the Commission, in Docket No. IC18–8–000, by either of the following methods:

- *eFiling at Commission's Website: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* by telephone at (202) 502–8663, and by fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–716, Good Faith Requests for Transmission Service and Good Faith Responses by Transmitting Utilities Under Sections 211(a) and 213(a) of the Federal Power Act (FPA).

OMB Control No.: 1902–0170.

Type of Request: Three-year extension of the FERC–716 information collection requirements with no changes to the current reporting requirements.

Abstract: The Commission uses the information collected under the requirements of FERC–716 to implement the statutory provisions of sections 211 and section 213 of the Federal Power Act as amended and added by the Energy Policy Act 1992. FERC–716 also includes the requirement to file a section 211 request if the negotiations between the transmission requestor and the transmitting utility are unsuccessful. For the initial process, the information is not filed with the Commission. However, the request and response may be analyzed as a part of a section 211 action. The Commission may order transmission services under the authority of FPA 211.

The Commission's regulations in the Code of Federal Regulations (CFR), 18 CFR 2.20, provide standards by which the Commission determines if and when a valid good faith request for transmission has been made under section 211 of the FPA. By developing the standards, the Commission sought to encourage an open exchange of data with a reasonable degree of specificity and completeness between the party requesting transmission services and the transmitting utility. As a result, 18 CFR 2.20 identifies 12 components of a good faith estimate and 5 components of a reply to a good faith request.

Type of Respondents: Transmission Requestors and Transmitting Utilities.

Estimate of Annual Burden[1]: The Commission estimates the annual public reporting burden for the information collection as:

FERC–716

[Good Faith Requests for Transmission Service and Good Faith Responses by Transmitting Utilities Under Sections 211(a) and 213(a) of the Federal Power Act (FPA)]

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden & cost per response[2]	Total annual burden hours & total annual cost	Cost per respondent ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
Information exchange between parties.	3	1	3	100 hrs.; $7,650	300 hrs.; $22,950	$7,650
Application submitted to FERC if parties' negotiations are unsuccessful.	3	1	3	2.5 hrs.; $191.25 ...	7.5 hrs.; $573.75	191.25

[1] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 Code of Federal Regulations 1320.3.

[2] The estimates for cost per response are derived using the following formula: Average Burden Hours per Response * $76.50 per Hour = Average Cost per Response. The cost per hour figure is the FERC 2017 average salary plus benefits. Subject matter experts found that industry employment costs closely resemble FERC's regarding the FERC–716 information collection.

FERC–716—Continued

[Good Faith Requests for Transmission Service and Good Faith Responses by Transmitting Utilities Under Sections 211(a) and 213(a) of the Federal Power Act (FPA)]

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden & cost per response [2]	Total annual burden hours & total annual cost	Cost per respondent ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
Total			6		307.5 hrs.; $23,523.75	7,841.25

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: May 22, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–11523 Filed 5–29–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–1016–003.
Applicants: PJM Interconnection, L.L.C., Baltimore Gas and Electric Company, Commonwealth Edison Company, Illinois Commerce Commission.
Description: Settlement Agreement Compliance Filing of PJM Interconnection, L.L.C., the Illinois Commerce Commission, and Exelon Corporation, on behalf of Commonwealth Edison Company and Baltimore Gas and Electric Company.
Filed Date: 5/17/18.
Accession Number: 20180517–5038.
Comments Due: 5 p.m. ET 6/7/18.

Docket Numbers: ER17–2400–004.
Applicants: SP Butler Solar, LLC.
Description: Compliance filing: SP Butler Solar MBR Tariff Compliance Filing to be effective 5/23/2018.
Filed Date: 5/22/18.
Accession Number: 20180522–5228.
Comments Due: 5 p.m. ET 6/12/18.

Docket Numbers: ER17–2401–004.
Applicants: SP Decatur Parkway Solar, LLC.
Description: Compliance filing: SP Decatur Parkway Solar MBR Tariff Compliance Filing to be effective 5/23/2018.
Filed Date: 5/22/18.
Accession Number: 20180522–5229.
Comments Due: 5 p.m. ET 6/12/18.

Docket Numbers: ER17–2403–004.
Applicants: SP Pawpaw Solar, LLC.
Description: Compliance filing: SP Pawpaw Solar MBR Tariff Compliance Filing to be effective 5/23/2018.
Filed Date: 5/22/18.
Accession Number: 20180522–5233.
Comments Due: 5 p.m. ET 6/12/18.

Docket Numbers: ER17–2404–004.
Applicants: SP Sandhills Solar, LLC.
Description: Compliance filing: SP Sandhills Solar MBR Tariff Compliance Filing to be effective 5/23/2018.
Filed Date: 5/22/18.
Accession Number: 20180522–5232.
Comments Due: 5 p.m. ET 6/12/18.

Docket Numbers: ER17–2453–001.
Applicants: Imperial Valley Solar 3, LLC.
Description: Notice of Non-Material Change in Status of Imperial Valley Solar 3, LLC.
Filed Date: 5/22/18.
Accession Number: 20180522–5302.
Comments Due: 5 p.m. ET 6/12/18.

Docket Numbers: ER18–865–002.
Applicants: Power 52 Inc.
Description: Tariff Amendment: Power52 MBRA to be effective 4/17/2018.
Filed Date: 5/22/18.
Accession Number: 20180522–5251.
Comments Due: 5 p.m. ET 6/12/18.

Docket Numbers: ER18–1665–000.
Applicants: Golden Spread Electric Cooperative, Inc.
Description: § 205(d) Rate Filing: TCEC Section 20 Filing to be effective 1/1/2018.
Filed Date: 5/22/18.
Accession Number: 20180522–5225
Comments Due: 5 p.m. ET 6/12/18.

Docket Numbers: ER18–1666–000.
Applicants: South Carolina Electric & Gas Company.
Description: § 205(d) Rate Filing: SCPSA CIAC to be effective 7/23/2018.
Filed Date: 5/22/18.
Accession Number: 20180522–5236.
Comments Due: 5 p.m. ET 6/12/18.

Docket Numbers: ER18–1667–000.
Applicants: Antelope Expansion 2, LLC.
Description: Baseline eTariff Filing: Antelope Expansion 2 MBR Tariff to be effective 5/23/2018.
Filed Date: 5/22/18.
Accession Number: 20180522–5239.
Comments Due: 5 p.m. ET 6/12/18.

Docket Numbers: ER18–1668–000.
Applicants: New York Independent System Operator, Inc.
Description: § 205(d) Rate Filing: NYISO 205 filing of EDR tariff revisions to be effective 7/22/2018.
Filed Date: 5/22/18.
Accession Number: 20180522–5252.
Comments Due: 5 p.m. ET 6/12/18.

Docket Numbers: ER18–1669–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2018–05–22_SA 3115 LCM–ELL GIA (C042) to be effective 6/10/2018.
Filed Date: 5/22/18.
Accession Number: 20180522–5263.
Comments Due: 5 p.m. ET 6/12/18.

Docket Numbers: ER18–1670–000.
Applicants: CXA Sundevil Holdco, Inc.
Description: Tariff Cancellation: Notice of Cancellation of Market-Based Rate Tariff to be effective 5/24/2018.
Filed Date: 5/23/18.
Accession Number: 20180523–5040
Comments Due: 5 p.m. ET 6/13/18.

Docket Numbers: ER18–1671–000.
Applicants: CXA Sundevil Power I, Inc.
Description: Tariff Cancellation: Notice of Cancellation of Market-Based Rate Tariff to be effective 5/24/2018.
Filed Date: 5/23/18.
Accession Number: 20180523–5054.
Comments Due: 5 p.m. ET 6/13/18.

Docket Numbers: ER18–1672–000.
Applicants: CXA Sundevil Power II, Inc.
Description: Tariff Cancellation: Notice of Cancellation of Market-Based Rate Tariff to be effective 5/24/2018.
Filed Date: 5/23/18.
Accession Number: 20180523–5060.
Comments Due: 5 p.m. ET 6/13/18.

Docket Numbers: ER18–1673–000.
Applicants: Avista Corporation.
Description: Notice of cancellation of multiple Enabling Service Agreements (No. 83, et al.) of Avista Corporation.
Filed Date: 5/22/18.
Accession Number: 20180522–5299.
Comments Due: 5 p.m. ET 6/12/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 23, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–11515 Filed 5–29–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PL18–1–000]

Certification of New Interstate Natural Gas Facilities

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Order extending time for comments.

SUMMARY: In this order, the Federal Energy Regulatory Commission (Commission) extends the comment due date for the Notice of Inquiry (NOI) published in the **Federal Register** on Wednesday, April 25, 2018. The NOI is seeking information and stakeholder perspectives to help the Commission explore whether, and if so how, it should revise its approach under its currently effective policy statement on the certification of new natural gas transportation facilities to determine whether a proposed natural gas project is or will be required by the present or future public convenience and necessity, as that standard is established in section 7 of the Natural Gas Act.

DATES: Comments are extended to July 25, 2018.

ADDRESSES: Comments, identified by docket number, may be filed in the following ways:

- *Electronic Filing through http://www.ferc.gov.* Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format.
- *Mail/Hand Delivery:* Those unable to file electronically may mail or hand-deliver comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Comment Procedures *section of the Notice of Inquiry (83 FR 18020, 18032 (Apr. 25, 2018)).*

FOR FURTHER INFORMATION CONTACT:

Thomas Chandler (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, 202–502–6699

Maggie Suter (Technical Information), Office of Energy Projects, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, 202–502–6463

Caroline Wozniak (Technical Information), Office of Energy Market Regulation, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, 202–502–8931

Brian White (Technical Information), Office of Energy Market Regulation. Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, 202–502–8332

SUPPLEMENTARY INFORMATION:

Order Extending Time for Comments

1. On April 19, 2018, the Commission issued a Notice of Inquiry (NOI) seeking information and stakeholder perspectives to help the Commission explore whether, and if so how, it should revise its approach under its currently effective policy statement on the certification of new natural gas transportation facilities (Policy Statement) to determine whether a proposed natural gas project is or will be required by the present or future public convenience and necessity, as that standard is established in section 7 of the Natural Gas Act.[1]

2. In the NOI, the Commission sought input on whether, and if so how, the Commission should adjust: (1) Its methodology for determining whether there is a need for a proposed project, including the Commission's consideration of precedent agreements and contracts for service as evidence of such need; (2) its consideration of the potential exercise of eminent domain and of landowner interests related to a proposed project; and (3) its evaluation of the environmental impact of a proposed project. The Commission also sought input on whether there are specific changes the Commission could consider implementing to improve the efficiency and effectiveness of its certificate processes including pre-filing, post-filing, and post-order issuance. The Commission granted 60 days from the date of the publication of the NOI in the **Federal Register** to file comments with the Commission. The NOI was published in the **Federal Register** on April 25, 2018 with comments due June 25, 2018.

3. As we stated in the NOI, 19 years have passed since the Commission issued the Policy Statement. Since that time, we have seen significant changes in the energy markets, as well as in the production, use and consumption of natural gas. In the NOI, the Commission asked a series of questions to elicit information to develop a good record on which to decide any future action in this matter, and many of those questions identify complex issues. The Commission believes our work on this matter will benefit from a robust record and as much relevant information and thoughtful input as possible. Indeed, it is important that we base any next steps on the best available information, and we encourage input from stakeholders across the energy spectrum. Given the complexity of the issues, and our desire to ensure the best possible record, the Commission has decided to extend the time for interested entities to submit their comments in this matter by 30 days—to July 25, 2018.[2]

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[1] *Certification of New Interstate Natural Gas Facilities,* Notice of Inquiry (NOI), 163 FERC ¶ 61,042 (April 19, 2018).

[2] As the Commission indicated in the NOI, the Commission will decide any next steps with regard to this review of the Policy Statement after the Commission has reviewed the comments filed in response to the NOI. NOI P 4.

The Commission Orders

The time for interested entities to submit comments in this proceeding is hereby extended 30 days, as discussed in the body of this order.

By the Commission.

Dated: May 23, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–11527 Filed 5–29–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–484–000]

Enable Mississippi River Transmission, LLC; Notice of Request Under Blanket Authorization

Take notice that on May 14, 2018, Enable Mississippi River Transmission, LLC (MRT), 1111 Louisiana Street, Houston, Texas 77002, filed a prior notice application pursuant to sections 157.205, and 157.208(f)(2) of the Federal Energy Regulatory Commission's (Commission) regulations under the Natural Gas Act (NGA), and MRT's blanket certificate issued in Docket No. CP82–489–000. MRT requests authorization to decrease the maximum allowable operating pressure (MAOP) of its Line A–86 located in Jefferson County, Missouri. The decrease in the MAOP is required to maintain Department of Transportation compliance, all as more fully set forth in the application, which is open to the public for inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Lisa Yoho, Sr. Director Regulatory & FERC Compliance, Enable Mississippi River Transmission, P.O. Box 1336, Houston, Texas 77251 or phone (346) 701–2539 or fax (346) 701–2905 or by email *lisa.yoho@enablemidstream.com.*

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenter will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

Dated: May 23, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–11524 Filed 5–29–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–1667–000]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization: Antelope Expansion 2, LLC

This is a supplemental notice in the above-referenced proceeding Antelope Expansion 2, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 12, 2018.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the

Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 23, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–11518 Filed 5–29–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD06–6–000]

Notice of Joint Meeting of the Federal Energy Regulatory Commission and the Nuclear Regulatory Commission

The Federal Energy Regulatory Commission (FERC) and the Nuclear Regulatory Commission (NRC) will hold a joint meeting on Thursday, June 7, 2018 at the headquarters of the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The meeting is expected to begin at 9:00 a.m. and conclude at approximately 11:15 a.m. Eastern Time. Members of the public may attend this meeting. Commissioners from both agencies are expected to participate.

The format for the joint meeting will consist of discussions between the two sets of Commissioners following presentations by their respective staffs. In addition, representatives of the North American Electric Reliability Corporation (NERC) will attend and participate in this meeting.

The technical conference will be transcribed. Transcripts of the technical conference will be available for a fee from Ace-Federal Reporters, Inc. ((202) 347–3700 or 1 (800) 336–6646). There will be a free webcast of the conference. The webcast will allow persons to listen to the technical conference, but not participate. Anyone with internet access can listen to the conference by navigating to the Calendar of Events at *www.ferc.gov* and locating the technical conference in the Calendar. The technical conference will contain a link to its webcast. The Capital Connection provides technical support for the webcast and offers the option of listening to the meeting via phone-bridge for a fee. If you have any questions, please visit *www.CapitolConnection.org* or call 703–993–3100.[1]

Pre-registration is not required but is highly encouraged for those attending in person. Attendees may register in advance at the following web page: *https://www.ferc.gov/whats-new/registration/06-07-18-form.asp.* Attendees should bring a photo ID and allow time to pass through building security procedures. There is no fee to attend the open meeting.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–502–8659 (TTY); or send a fax to 202–208–2106 with the required accommodations.

Questions about the meeting should be directed to Sarah McKinley at *sarah.mckinley@ferc.gov* or by phone at 202–502–8368.

Dated: May 22, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–11528 Filed 5–29–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14859–001]

Big Chino Valley Pumped Storage LLC; Notice of Intent To File License Application, Filing of Pre-Application Document, Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 14859–001.

c. *Date Filed:* March 30, 2018.

d. *Submitted By:* Big Chino Valley Pumped Storage LLC.

e. *Name of Project:* Big Chino Valley Pumped Storage Project.

f. *Location:* 37 miles northwest of Chino Valley in Yavapai, Coconino, and Mohave Counties, Arizona. One of the three potential transmission line routes could occupy 91.49 acres of the Prescott National Forest.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Potential Applicant Contact:* Brian Studenka, ITC Holdings Corp., 27175 Energy Way, Novi, MI 48377; email *bstudenka@itctransco.com;* (248) 946–3247.

i. *FERC Contact:* Kim Nguyen; email *kim.nguyen@ferc.gov;* (202) 502–6105.

j. Big Chino Valley Pumped Storage LLC filed its request to use the Traditional Licensing Process on March 30, 2018. Big Chino Valley Pumped Storage LLC provided public notice of its request on April 10, 2018. In a letter dated May 22, 2018, the Director of the Division of Hydropower Licensing approved Big Chino Valley Pumped Storage LLC's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR part 402. We are also initiating consultation with the Arizona State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Big Chino Valley Pumped Storage LLC as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act; and consultation pursuant to section 106 of the National Historic Preservation Act.

m. Big Chino Valley Pumped Storage LLC filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

o. Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

[1] The webcast will continue to be available on the Calendar of Events on the Commission's website *www.ferc.gov* for three months after the conference.

Dated: May 23, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–11526 Filed 5–29–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2718–029; ER10–2719–029.

Applicants: Cogen Technologies Linden Venture, L.P., East Coast Power Linden Holding, L.L.C.

Description: Notice of Non-Material Change in Status of Cogen Technologies Linden Venture, L.P., et al.

Filed Date: 5/23/18.

Accession Number: 20180523–5159.

Comments Due: 5 p.m. ET 6/13/18.

Docket Numbers: ER10–2895–018; ER10–2461–015; ER10–2463–014; ER10–2466–015; ER10–2917–018; ER10–2918–019; ER10–2920–018; ER10–2921–018; ER10–2922–018; ER10–2966–018; ER10–3167–010; ER10–3178–010; ER11–2201–018; ER11–2292–019; ER11–2293–019; ER11–2294–017; ER11–2383–013; ER11–3417–013; ER11–3941–016; ER11–3942–018; ER11–4029–014; ER12–1311–014; ER12–161–018; ER12–2068–014; ER12–2447–017; ER12–645–019; ER12–682–015; ER13–1139–017; ER13–1346–009; ER13–1613–011; ER13–17–012; ER13–203–010; ER13–2143–011; ER14–1964–009; ER14–25–014; ER14–2630–010; ER16–287–004.

Applicants: Alta Wind VIII, LLC, Bear Swamp Power Company LLC, BIF II Safe Harbor Holdings, LLC, BIF III Holtwood LLC, Black Bear Development Holdings, LLC, Black Bear Hydro Partners, LLC, Black Bear SO, LLC, Brookfield Energy Marketing Inc., Brookfield Energy Marketing LP, Brookfield Energy Marketing US LLC, Brookfield Power Piney & Deep Creek LLC, Brookfield Renewable Energy Marketing US LLC, Brookfield Smoky Mountain Hydropower LLC, Brookfield White Pine Hydro LLC, Carr Street Generating Station, L.P., Erie Boulevard Hydropower, L.P., Granite Reliable Power, LLC, Great Lakes Hydro America, LLC, Hawks Nest Hydro LLC, Mesa Wind Power Corporation, Rumford Falls Hydro LLC, Safe Harbor Water Power Corporation, Windstar Energy, LLC, Bishop Hill Energy LLC, Blue Sky East, LLC, California Ridge Wind Energy LLC, Canandaigua Power Partners, LLC, Canandaigua Power Partners II, LLC, Erie Wind, LLC, Evergreen Wind Power, LLC, Evergreen Wind Power III, LLC, Imperial Valley Solar 1, LLC, Niagara Wind Power, LLC, Prairie Breeze Wind Energy LLC, Regulus Solar, LLC, Stetson Holdings, LLC, Stetson Wind II, LLC, Vermont Wind, LLC.

Description: Second Supplement to June 30, 2017 Updated Market Power Analysis for the Northeast Region of the Brookfield Companies.

Filed Date: 5/16/18.

Accession Number: 20180516–5145.

Comments Due: 5 p.m. ET 6/6/18.

Docket Numbers: ER16–120–007.

Applicants: New York Independent System Operator, Inc.

Description: Compliance filing: Compliance with April 2018 Order—RMR Generator Deactivation Process to be effective 7/23/2018.

Filed Date: 5/23/18.

Accession Number: 20180523–5128.

Comments Due: 5 p.m. ET 6/13/18.

Docket Numbers: ER18–1675–000.

Applicants: Goldfinch Capital Management, LP.

Description: Tariff Cancellation: Cancellation to be effective 5/30/2018.

Filed Date: 5/23/18.

Accession Number: 20180523–5079.

Comments Due: 5 p.m. ET 6/13/18.

Docket Numbers: ER18–1676–000.

Applicants: GP Big Island, LLC.

Description: Compliance filing: compliance 2018 May to be effective 5/24/2018.

Filed Date: 5/23/18.

Accession Number: 20180523–5089.

Comments Due: 5 p.m. ET 6/13/18.

Docket Numbers: ER18–1677–000.

Applicants: American Transmission Systems, Incorporation, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: ATSI submits revised IAs SA Nos. 3992 and 3993 to be effective 7/22/2018.

Filed Date: 5/23/18.

Accession Number: 20180523–5102.

Comments Due: 5 p.m. ET 6/13/18.

Docket Numbers: ER18–1678–000.

Applicants: Louisiana Generating LLC.

Description: Request of Louisiana Generating LLC to recover costs associated with acting as a Local Balancing Authority under MISO Tariff.

Filed Date: 5/22/18.

Accession Number: 20180522–5310.

Comments Due: 5 p.m. ET 6/12/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 23, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–11516 Filed 5–29–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP18–832–000.

Applicants: BP Canada Energy Marketing Corp., Direct Energy Business Marketing, LLC.

Description: Joint Petition of BP Canada Energy Marketing Corp., et al. for Temporary Waivers of Capacity Release Regulations and Policies.

Filed Date: 5/18/18.

Accession Number: 20180518–5215.

Comments Due: 5 p.m. ET 5/29/18.

Docket Numbers: RP18–815–001.

Applicants: Millennium Pipeline Company, LLC.

Description: Tariff Amendment: Negotiated & Non-Conf Svc Agmt Amendment—CPV to be effective 6/16/2018.

Filed Date: 5/22/18.

Accession Number: 20180522–5253.

Comments Due: 5 p.m. ET 6/4/18.

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: May 23, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–11517 Filed 5–29–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ID–6627–002]

Notice of Supplemental Filing: Vigue, Peter A.

Take notice that on May 22, 2018, Peter A. Vigue filed a supplement to the April 24, 2018 filing application for authorization to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act, 18 U.S.C. 825d(f), and section 45.4 of the Federal Energy Regulatory Commission's (Commission) Regulations, 18 CFR 45.8.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on June 12, 2018.

Dated: May 23, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–11525 Filed 5–29–18; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2013–0322; FRL–9974–81–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Beryllium Rocket Motor Fuel Firing (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR)—NESHAP for Beryllium Rocket Motor Fuel Firing (Renewal), EPA ICR Number 1125.08, OMB Control Number 2060–0394—to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through May 31, 2018. Public comments were previously requested via the **Federal Register** on June 29, 2017 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before June 29, 2018.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2013–0322, to: (1) EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Beryllium Rocket Motor Fuel Firing were promulgated on April 6, 1973, and amended on both October 17, 2000 and February 27, 2014. The 2014 amendment promulgated technical and editorial corrections for source testing of emissions and operations. These regulations apply to existing and new building, structure, facility, or installation where the static test firing of a beryllium rocket motor and/or the disposal of beryllium propellant is conducted. New facilities include those that commenced construction or reconstruction after the date of promulgation. Owners and operators of affected facilities are required to comply with reporting and recordkeeping requirements for the General Provisions (40 CFR part 60, subpart A), as well as the specific requirements at 40 CFR part 61, subpart D. Owners or operators of the affected facilities must submit a one-time only report of any physical or operational changes, initial performance tests, and periodic reports and results.

Form Numbers: None.

Respondents/affected entities: Owners or operators of beryllium rocket motor fuel firing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 61, subpart D).

Estimated number of respondents: 1 (total).

Frequency of response: Initially and occasionally.

Total estimated burden: 9 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $997 (per year), which includes neither annualized capital nor operation & maintenance costs.

Changes in the Estimates: There is no change in the labor hours or cost in this ICR compared to the previous ICR. This is due to two considerations: (1) The regulations have not changed over the past three years and are not anticipated to change over the next three years; and (2) the growth rate for the industry is very low, negative or non-existent, so there is no significant change in the overall burden. Since there are no changes in the regulatory requirements and there is no significant industry growth, the labor hours and cost figures in the previous ICR are used in this ICR and there is no change in burden to industry.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2018–11545 Filed 5–29–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9978–49–OECA]

See the Item Specific Docket Numbers Provided in the Text; Proposed Information Collection Request; Comment Request; See Item Specific ICR Titles Provided in the Text

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit the below listed information collection requests (ICRs) (See item specific ICR title, EPA ICR Number and OMB Control Number provided in the text) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. These are proposed extensions of 73 currently approved ICRs. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before July 30, 2018.

ADDRESSES: Submit your comments, referencing the Docket ID numbers provided for each item in the text, online using *www.regulations.gov* (our preferred method), by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for these ICRs. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. Burden is defined at 5 CFR 1320.03(b). EPA will consider the comments received and amend the ICRs as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICRs to OMB and the opportunity to submit additional comments to OMB.

General Abstract: For all the listed ICRs in this notice, owners and operators of affected facilities are required to comply with reporting and record keeping requirements for the general provisions of 40 CFR part 60, subpart A or part 63, subpart A, as well as the applicable specific standards. This includes submitting initial notifications, performance tests and periodic reports and results, and maintaining records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These reports are used by EPA to determine compliance with the standards.

(1) Docket ID Number: EPA–HQ–OECA–2014–0069; Title: NESHAP for Source Categories: Generic Maximum Achievable Control Technology Standards (40 CFR part 63, subpart YY) (Renewal); EPA ICR Number 1871.10; OMB Control Number 2060–0420; Expiration Date: March 31, 2019.

Respondents: Polycarbonates production, acrylic and modacrylic fibers production, acetal resins production, and hydrogen fluoride production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart YY).

Estimated number of respondents: 7 (total).

Frequency of response: Initially, occasionally and semiannually.

Estimated annual burden: 3,240 hours.

Estimated annual cost: $317,000, includes $127,000 annualized capital or operation & maintenance (O&M) costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(2) Docket ID Number: EPA–HQ–OECA–2014–0071; Title: NESHAP for Publicly-Owned Treatment Works (40 CFR part 63, subpart VVV) (Renewal); EPA ICR Number 1891.10; OMB Control Number 2060–0428; Expiration Date: March 31, 2019.

Respondents: POTW located at a major source of hazardous air pollutants (HAP).

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart VVV).

Estimated number of respondents: 13 (total).

Frequency of response: Initially and occasionally.

Estimated annual burden: 7 hours.

Estimated annual cost: $790, includes $0 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(3) Docket ID Number: EPA–HQ–OECA–2014–0076; Title: NESHAP for the Surface Coating of Large Household and Commerical Appliances (40 CFR part 63, subpart NNNN) (Renewal); EPA ICR Number 1954.07; OMB Control Number 2060–0457; Expiration Date: March 31, 2019.

Respondents: Facilities that perform surface coating of large household and commercial appliances and related parts.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart NNNN).

Estimated number of respondents: 114 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 36,500 hours.

Estimated annual cost: $4,350,000, includes $680,000 annualized capital or O&M costs.

Changes in Estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(4) Docket ID Number: EPA–HQ–OECA–2014–0075; Title: NESHAP for Municipal Solid Waste Landfills (40 CFR part 63, subpart AAAA) (Renewal); EPA ICR Number 1938.07; OMB Control Number 2060–0505; Expiration Date: March 31, 2019.

Respondents: Municipal solid waste (MSW) landfills.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart AAAA).

Estimated number of respondents: 1,126 (total).

Frequency of response: Initially and semiannually.

Estimated annual burden: 20,900 hours.

Estimated annual cost: $2,120,000, includes $16,900 annualized capital or O&M costs.

Changes in Estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(5) Docket ID Number: EPA–HQ–OECA–2014–0081; Title: NESHAP for Reinforced Plastic Composites Production (40 CFR part 63, subpart WWWW) (Renewal); EPA ICR Number 1976.07; OMB Control Number 2060–0509; Expiration Date: March 31, 2019.

Respondents: Facilities with reinforced plastic composites production operations and processes.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart WWWW).

Estimated number of respondents: 600 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 20,900 hours.

Estimated annual cost: $2,580,000, includes $476,000 annualized capital or O&M costs.

Changes in Estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(6) Docket ID Number: EPA–HQ–OECA–2011–0274; Title: NESHAP for the Wood Products Surface Coating Industry (40 CFR part 63, subpart QQQQ) (Renewal); EPA ICR Number 2034.07; OMB Control Number 2060–0510; Expiration Date: March 31, 2019.

Respondents: Facilities that perform surface coating of wood building products.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart QQQQ).

Estimated number of respondents: 232 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 75,800 hours.

Estimated annual cost: $7,880,000, includes $278,000 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(7) Docket ID Number: EPA–HQ–OECA–2014–0077; Title: NESHAP for Paper and Other Web Coating (40 CFR part 63, subpart JJJJ) (Renewal); EPA ICR Number 1951.07; OMB Control Number 2060–0511; Expiration Date: March 31, 2019.

Respondents: Web coating facilities, including web coating lines engaged in the coating of metal webs used in flexible packaging, and web coating lines engaged in the coating of fabric substrates for use in pressure sensitive tape and abrasive materials.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart JJJJ).

Estimated number of respondents: 251 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 13,800 hours.

Estimated annual cost: $2,390,000, includes $1,010,000 annualized capital or O&M costs.

Changes in Estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(8) Docket ID Number: EPA–HQ–OECA–2014–0088; Title: NESHAP for Refractory Products Manufacturing (40 CFR part 63, subpart SSSSS) (Renewal); EPA ICR Number 2040.07; OMB Control Number 2060–0515; Expiration Date: March 31, 2019.

Respondents: Refractory products manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart SSSSS).

Estimated number of respondents: 8 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 343 hours.

Estimated annual cost: $37,000, includes $3,040 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(9) Docket ID Number: EPA–HQ–OECA–2014–0086; Title: NESHAP for Flexible Polyurethane Foam Fabrication (40 CFR part 63, subpart MMMMM) (Renewal); EPA ICR Number 2027.07; OMB Control Number 2060–0516; Expiration Date: March 31, 2019.

Respondents: Flexible polyurethane foam fabrication facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart MMMMM).

Estimated number of respondents: 17 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 18,900 hours.

Estimated annual cost: $1,930,000, includes $29,500 annualized capital or O&M costs.

Changes in Estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(10) Docket ID Number: EPA–HQ–OECA–2011–0271; Title: NESHAP for Integrated Iron and Steel Manufacturing (40 CFR part 63, subpart FFFFF) (Renewal); EPA ICR Number 2003.07; OMB Control Number 2060–0517; Expiration Date: March 31, 2019.

Respondents: Sinter plants, blast furnaces, and basic oxygen process furnace shops at integrated iron and steel manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart FFFFF).

Estimated number of respondents: 18 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 18,500 hours.

Estimated annual cost: $1,930,000, includes $67,000 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(11) Docket ID Number: EPA–HQ–OECA–2014–0089; Title: NESHAP for Semiconductor Manufacturing (40 CFR part 63, subpart BBBBB) (Renewal); EPA ICR Number 2042.07; OMB Control Number 2060–0519; Expiration Date: March 31, 2019.

Respondents: Semiconductor manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart BBBBB).

Estimated number of respondents: 127 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 41 hours.

Estimated annual cost: $4,710, includes $550 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(12) Docket ID Number: EPA–HQ–OECA–2014–0087; Title: NESHAP for Asphalt Processing and Asphalt Roofing Manufacturing (40 CFR part 63, subpart LLLLL) (Renewal); EPA ICR Number 2029.07; OMB Control Number 2060–0520; Expiration Date: March 31, 2019.

Respondents: Asphalt processing and asphalt roofing manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart LLLLL).

Estimated number of respondents: 27 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 13,400 hours.

Estimated annual cost: $1,480,000, includes $135,000 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(13) Docket ID Number: EPA–HQ–OECA–2014–0084; Title: NESHAP for Coke Oven Pushing, Quenching, and Battery Stacks (40 CFR part 63, subpart CCCCC) (Renewal); EPA ICR Number 1995.07; OMB Control Number 2060–0521; Expiration Date: March 31, 2019.

Respondents: Coke oven batteries.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart CCCCC).

Estimated number of respondents: 17 (total).

Frequency of response: Initially, occasionally, quarterly, and semiannually.

Estimated annual burden: 24,400 hours.

Estimated annual cost: $2,600,000, includes $152,000 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(14) Docket ID Number: EPA–HQ–OECA–2014–0092; Title: NESHAP for Printing, Coating and Dyeing of Fabrics and Other Textiles (40 CFR part 63, subpart OOOO) (Renewal); EPA ICR Number 2071.07; OMB Control Number 2060–0522; Expiration Date: March 31, 2019.

Respondents: Fabric and textile printing, coating, slashing, dyeing or finishing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart OOOO).

Estimated number of respondents: 146 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 22,400 hours.

Estimated annual cost: $2,260,000, includes $6,750 annualized capital or O&M costs.

Changes in Estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(15) Docket ID Number: EPA–HQ–OECA–2011–0275; Title: NESHAP for Hydrochloric Acid Production (40 CFR part 63, subpart NNNNN) (Renewal); EPA ICR Number 2032.09; OMB Control Number 2060–0529; Expiration Date: March 31, 2019.

Respondents: Hydrochloric acid production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart NNNNN).

Estimated number of respondents: 87 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 3,240 hours.

Estimated annual cost: $12,200,000, includes $754,000 annualized capital or O&M costs.

Changes in Estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(16) Docket ID Number: EPA–HQ–OECA–2011–0264; Title: NSPS for Stationary Compression Ignition Internal Combustion Engines (40 CFR part 60, subpart IIII) (Renewal); EPA ICR Number 2196.06; OMB Control Number 2060–0590; Expiration Date: March 31, 2019.

Respondents: Compression ignition internal combustion engines.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart IIII).

Estimated number of respondents: 260,530 (total).

Frequency of response: Initially and occasionally.

Estimated annual burden: 408,000 hours.

Estimated annual cost: $41,200,000, includes $188,000 annualized capital or O&M costs.

Changes in Estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(17) Docket ID Number: EPA–HQ–OECA–2014–0098; Title: NESHAP for Nine Metal Fabrication and Area Finishing Source (40 CFR part 63, subpart XXXXXX) (Renewal); EPA ICR Number 2298.05; OMB Control Number 2060–0622; Expiration Date: March 31, 2019.

Respondents: Area source metal fabrication and finishing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart XXXXXX).

Estimated number of respondents: 5800 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 35,700 hours.

Estimated annual cost: 3,590,000, includes $0 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(18) Docket ID Number: EPA–HQ–OECA–2012–0526; Title: NESHAP for Aluminum, Copper, and Other Non-Ferrous Foundries (40 CFR part 63, subpart ZZZZZZ) (Renewal); EPA ICR Number 2332.05; OMB Control Number 2060–0630; Expiration Date: March 31, 2019.

Respondents: Melting operations located at an aluminum, copper, or other non-ferrous foundry.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart ZZZZZZ).

Estimated number of respondents: 318 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 11,900 hours.

Estimated annual cost: $1,200,000, includes $0 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(19) Docket ID Number: EPA–HQ–OECA–2014–0101; Title: NESHAP for Polyvinyl Chloride and Copolymer Production (40 CFR part 63, subpart HHHHHHH) (Renewal); EPA ICR

Number 2432.04; OMB Control Number 2060–0666; Expiration Date: March 31, 2019.

Respondents: Polyvinyl chloride and copolymers production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart HHHHHHH).

Estimated number of respondents: 17 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 378,000 hours.

Estimated annual cost: $43,200,000, includes $5,150,000 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(20) Docket ID Number: EPA–HQ–OECA–2014–0102; Title: NSPS for Oil and Natural Gas Production and Natural Gas Transmission and Distribution (40 CFR part 60, subpart OOOO) (Renewal); EPA ICR Number 2437.04; OMB Control Number 2060–0673; Expiration Date: March 31, 2019.

Respondents: Facilities involved in the extraction and production of oil and natural gas, as well as the processing, transmission, and distribution of natural gas.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart OOOO).

Estimated number of respondents: 564 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 93,900 hours.

Estimated annual cost: $11,200,000, includes $1,750,000 annualized capital or O&M costs.

Changes in Estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(21) Docket ID Number: EPA–HQ–OECA–2014–0103; Title: NSPS for Nitric Acid Plants for which Construction, Reconstruction, or Modification Commenced after October 14, 2011 (40 CFR part 60, subpart Ga) (Renewal); EPA ICR Number 2445.04; OMB Control Number 2060–0674; Expiration Date: March 31, 2019.

Respondents: Nitric acid plants.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart Ga).

Estimated number of respondents: 6 (total).

Frequency of response: Initially and occasionally.

Estimated annual burden: 1,370 hours.

Estimated annual cost: $386,000, includes $248,000 annualized capital or O&M costs.

Changes in Estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(22) Docket ID Number: EPA–HQ–OECA–2014–0104; Title: NESHAP for Polyvinyl Chloride and Copolymers Production Area Sources (40 CFR part 63, subpart DDDDDD (Renewal); EPA ICR Number 2454.03; OMB Control Number 2060–0684; Expiration Date: March 31, 2019.

Respondents: Area sources polyvinyl chloride and copolymers production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart DDDDDD).

Estimated number of respondents: 3 (total).

Frequency of response: Initially and occasionally.

Estimated annual burden: 69,200 hours.

Estimated annual cost: $7,770,000, includes $806,000 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(23) Docket ID Number: EPA–HQ–OECA–2018–0250; Title: NSPS for New Residential Hydronic Heaters and Forced-Air Furnaces (40 CFR part 60, subpart QQQQ) (Renewal); EPA ICR Number 2442.03; OMB Control Number 2060–0693; Expiration Date: March 31, 2019.

Respondents: New residential hydronic heaters and forced-air furnaces.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart QQQQ).

Estimated number of respondents: 41 (total).

Frequency of response: Initially and occasionally.

Estimated annual burden: 2,337 hours.

Estimated annual cost: $3,380,000, includes $3,190,000 annualized capital or O&M costs.

Changes in Estimates: There is a projected decrease in burden since the last ICR, because the rule has been effective for more than three years, and the burden for ongoing compliance is expected to be less than the burden for initial compliance with the rule.

(24) Docket ID Number: EPA–HQ–OECA–2012–0533; Title: NSPS for the Phosphate Fertilizer Industry (40 CFR part 60, subparts T, U, V, W, and X) (Renewal); EPA ICR Number 1061.14; OMB Control Number 2060–0037; Expiration Date: April 30, 2019.

Respondents: Phosphate fertilizer manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subparts T, U, V, W, and X).

Estimated number of respondents: 13 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 1,390 hours.

Estimated annual cost: $460,000, includes $320,000 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(25) Docket ID Number: EPA–HQ–OECA–2012–0528; Title: NSPS for Synthetic Fiber Production Facilities (40 CFR part 60, subpart HHH) (Renewal); EPA ICR Number 1156.14; OMB Control Number 2060–0059; Expiration Date: April 30, 2019.

Respondents: Synthetic fiber production facilities with a solvent-spun, synthetic fiber process that produce more than 500 megagrams of fiber per year.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart HHH).

Estimated number of respondents: 22 (total).

Frequency of response: Initially, occasionally, quarterly, and semiannually.

Estimated annual burden: 1,880 hours.

Estimated annual cost: $355,000, includes $165,000 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(26) Docket ID Number: EPA–HQ–OECA–2012–0535; Title: NSPS for Secondary Lead Smelters (40 CFR part 60, subpart L) (Renewal); EPA ICR Number 1128.12; OMB Control Number 2060–0080; Expiration Date: April 30, 2019.

Respondents: Secondary lead smelting facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart L).

Estimated number of respondents: 14 (total).

Frequency of response: Initially and occasionally.

Estimated annual burden: 37 hours.

Estimated annual cost: $3,720, includes $0 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(27) Docket ID Number: EPA–HQ–OECA–2012–0534; Title: NSPS for Surface Coating of Plastic Parts for Business Machines (40 CFR part 60, subpart TTT) (Renewal); EPA ICR Number 1093.12; OMB Control Number 2060–0162; Expiration Date: April 30, 2019.

Respondents: Facilities that perform industrial surface coating operations on plastic parts for use in the manufacture of business machines.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart TTT).

Estimated number of respondents: 10 (total).

Frequency of response: Initially, occasionally, quarterly, and semiannually.

Estimated annual burden: 992 hours.

Estimated annual cost: $99,700, includes $0 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(28) Docket ID Number: EPA–HQ–OECA–2012–0517; Title: NSPS for Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed on or before August 30, 1999 (40 CFR part 60, subpart BBBB) (Renewal); EPA ICR Number 1901.07; OMB Control Number 2060–0424; Expiration Date: April 30, 2019.

Respondents: MWC units with capacities to combust greater than 35 tons per day and less than 250 tons per day of municipal solid waste.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart BBBB).

Estimated number of respondents: 23 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 102,000 hours.

Estimated annual cost: $11,200,000, includes $1,040,000 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(29) Docket ID Number: EPA–HQ–OECA–2012–0518; Title: NESHAP for Metal Furniture Surface Coating (40 CFR part 63, subpart RRRR) (Renewal); EPA ICR Number 1952.07; OMB Control Number 2060–0518; Expiration Date: April 30, 2019.

Respondents: Metal furniture surface coating facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart RRRR).

Estimated number of respondents: 583 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 190,000 hours.

Estimated annual cost: $19,800,000, includes $700,000 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(30) Docket ID Number: EPA–HQ–OECA–2011–0228; Title: NSPS for Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced after May 14, 2007 (40 CFR part 60, subpart Ja) (Renewal); EPA ICR Number 2263.06; OMB Control Number 2060–0602; Expiration Date: April 30, 2019.

Respondents: Petroleum refineries.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart Ja).

Estimated number of respondents: 150 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 64,300 hours.

Estimated annual cost: $22,100,000, includes $15,700,000 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(31) Docket ID Number: EPA–HQ–OECA–2012–0525; Title: NESHAP for Chemical Manufacturing Area Sources (40 CFR part 63, subpart VVVVVV) (Renewal); EPA ICR Number 2323.07; OMB Control Number 2060–0621; Expiration Date: April 30, 2019.

Respondents: Agricultural chemicals and pesticides manufacturing, cyclic crude and intermediate production, industrial inorganic chemical manufacturing, industrial organic chemical manufacturing, inorganic pigments manufacturing, miscellaneous organic chemical manufacturing, plastic materials and resins manufacturing, pharmaceutical production, and synthetic rubber manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart VVVVVV).

Estimated number of respondents: 489 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 9,590 hours.

Estimated annual cost: $2,220,000, includes $1,250,000 annualized capital or O&M costs.

Changes in Estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(32) Docket ID Number: EPA–HQ–OECA–2011–0208; Title: NESHAP for Pulp and Paper Production (40 CFR part 63, subpart S) (Renewal); EPA ICR Number 2452.04; OMB Control Number 2060–0681; Expiration Date: April 30, 2019.

Respondents: Pulp and paper production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart S).

Estimated number of respondents: 114 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 52,304 hours.

Estimated annual cost: $5,780,000, includes $841,000 annualized capital or operation & maintenance (O&M) costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(33) Docket ID Number: EPA–HQ–OECA–2012–0497; Title: NSPS for Fossil-Fuel-Fired Steam Generating Units (40 CR part 63, subpart D) (Renewal); EPA ICR Number 1052.12; OMB Control Number 2060–0026; Expiration Date: May 31, 2019.

Respondents: Fossil fuel fired steam generating unit with heat input rate of 73 megawatts (MW) or more.

Respondent's obligation to respond: Mandatory (40 CR part 63, subpart D).

Estimated number of respondents: 660 (total).

Frequency of response: Initially and semiannually.

Estimated annual burden: 71,500 hours.

Estimated annual cost: $17,100,000, includes $9,900,000 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(34) Docket ID Number: EPA–HQ–OECA–2012–0655; Title: NSPS for Ammonium Sulfate Manufacturing Plants (40 CFR part 60, subpart PP) (Renewal); EPA ICR Number 1066.09; OMB Control Number 2060–0032; Expiration Date: May 31, 2019.

Respondents: Ammonium sulfate dryers located at ammonium sulfate manufacturing plants.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart PP).

Estimated number of respondents: 2 (total).

Frequency of response: Initially and semiannually.

Estimated annual burden: 286 hours.

Estimated annual cost: $28,700, includes $0 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(35) Docket ID Number: EPA–HQ–OECA–2011–0239; Title: NSPS for Grain Elevators (40 CFR part 60, subpart DD) (Renewal); EPA ICR Number 1130.12; OMB Control Number 2060–0082; Expiration Date: May 31, 2019.

Respondents: Facilities with grain elevators.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart DD).

Estimated number of respondents: 200 (total).

Frequency of response: Initially and occasionally.

Estimated annual burden: 460 hours.

Estimated annual cost: $46,000, includes $0 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(36) Docket ID Number: EPA–HQ–OECA–2012–0498; Title: NSPS for Coal Preparation and Processing Plants (40 CFR part 60, subpart Y) (Renewal); EPA ICR Number 1062.15; OMB Control Number 2060–0122; Expiration Date: May 31, 2019.

Respondents: Coal preparation and processing plants.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart Y).

Estimated number of respondents: 1,037 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 42,300 hours.

Estimated annual cost: $4,320,000, includes $65,600 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(37) Docket ID Number: EPA–HQ–OECA–2012–0502; Title: NESHAP for Petroleum Refineries (40 CFR part 63, subpart CC) (Renewal); EPA ICR Number 1692.10; OMB Control Number 2060–0340; Expiration Date: May 31, 2019.

Respondents: Petroleum refining process units and emission points located at refineries that are major sources of HAP emissions.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart CC).

Estimated number of respondents: 142 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 528,000 hours.

Estimated annual cost: $54,800,000, includes $142,989 annualized capital or O&M costs.

Changes in Estimates: There is a projected increase in burden due to reconstruction of existing sources.

(38) Docket ID Number: EPA–HQ–OECA–2012–0502; Title: NSPS for Hospital/Medical/Infectious Waste Incinerators (40 CFR part 60, subpart Ec) (Renewal); EPA ICR Number 1730.11; OMB Control Number 2060–0363; Expiration Date: May 31, 2019.

Respondents: Hospital/medical/infectious waste incinerators for which construction commenced after June 20, 1996, or for which modification commenced after March 16, 1998, but no later than April 6, 2010.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart Ec).

Estimated number of respondents: 8 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 5,670 hours.

Estimated annual cost: $972,000, includes $402,000 annualized capital or O&M costs.

Changes in Estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(39) Docket ID Number: EPA–HQ–OECA–2012–0503; Title: Emission Guidelines for Large Municipal Waste Combustors Constructed on or Before September 20, 1994 (40 CFR part 60, subpart Cb) (Renewal); EPA ICR Number 1847.08; OMB Control Number 2060–0390; Expiration Date: May 31, 2019.

Respondents: Municipal waste combustion units with a capacity greater than 250 tons per day.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart Cb).

Estimated number of respondents: 81 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 202,000 hours.

Estimated annual cost: $30,500,000, includes $1,560,000 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(40) Docket ID Number: EPA–HQ–OECA–2013–0337; Title: NESHAP for the Portland Cement Manufacturing Industry (40 CFR part 63, subpart LLL) (Renewal); EPA ICR Number 1801.13; OMB Control Number 2060–0416; Expiration Date: May 31, 2019.

Respondents: Portland cement plants.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart LLL).

Estimated number of respondents: 87 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 59,600 hours.

Estimated annual cost: $25,800,000, includes $19,800,000 annualized capital or O&M costs.

Changes in Estimates: There is a projected increase in burden due to reconstruction of existing sources.

(41) Docket ID Number: EPA–HQ–OECA–2011–0272; Title: Emission Guidelines for Hospital/Medical/Infectious Waste Incinerators (40 CFR part 60, subpart Ce and 40 CFR part 62, subpart HHH) (Renewal); EPA ICR Number 1899.09; OMB Control Number 2060–0422; Expiration Date: May 31, 2019.

Respondents: Hospital/medical/infectious waste incinerators constructed before December 1, 2008 or for which modification commenced prior to April 6, 2010.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart Ce and 40 CFR part 62, subpart HHH).

Estimated number of respondents: 58 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 38,800 hours.

Estimated annual cost: $4,370,000, includes $479,216 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(42) Docket ID Number: EPA–HQ–OECA–2012–0506; Title: NSPS for Small Municipal Waste Combustors (40 CFR part 60, subpart AAAA) (Renewal); EPA ICR Number 1900.07; OMB Control Number 2060–0423; Expiration Date: May 31, 2019.

Respondents: Small municipal waste combustors (MWCs) that combust greater than 35 tons per day, but less than 250 tons per day of waste.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart AAAA).

Estimated number of respondents: 6 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 15,000 hours.

Estimated annual cost: $1,700,000, includes $226,400 annualized capital or O&M costs.

Changes in Estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(43) Docket ID Number: EPA–HQ–OECA–2012–0505; Title: NESHAP for Secondary Aluminum Production (40 CFR part 63, subpart RRR) (Renewal); EPA ICR Number 1894.09; OMB Control Number 2060–0433; Expiration Date: May 31, 2019.

Respondents: Secondary aluminum production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart RRR).

Estimated number of respondents: 161 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 12,600 hours.

Estimated annual cost: $5,380,000, includes $4,110,000 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(44) Docket ID Number: EPA–HQ–OECA–2014–0090; Title: NESHAP for Miscellaneous Metal Parts and Products (40 CFR part 63, subpart MMMM) (Renewal); EPA ICR Number 2056.06; OMB Control Number 2060–0486; Expiration Date: May 31, 2019.

Respondents: Facilities that conduct miscellaneous metal parts and products surface coating operations.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart MMMM).

Estimated number of respondents: 4,992 (total).

Frequency of response: Initially and semiannually.

Estimated annual burden: 2,280,000 hours.

Estimated annual cost: $230,000,000, includes $1,050,000 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(45) Docket ID Number: EPA–HQ–OECA–2015–0191; Title: NESHAP for Miscellaneous Organic Chemical Manufacturing (40 CFR part 63, subpart FFFF) (Renewal); EPA ICR Number 1969.06; OMB Control Number 2060–0533; Expiration Date: May 31, 2019.

Respondents: Miscellaneous organic chemical manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart FFFF).

Estimated number of respondents: 263 (total).

Frequency of response: Initially and semiannually.

Estimated annual burden: 426,000 hours.

Estimated annual cost: $46,900,000, includes $5,750,000 annualized capital or O&M costs.

Changes in Estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(46) Docket ID Number: EPA–HQ–OECA–2012–0524; Title: NSPS for Stationary Combustion Turbines (40 CFR part 60, subpart KKKK) (Renewal); EPA ICR Number 2177.07; OMB Control Number 2060–0582; Expiration Date: May 31, 2019.

Respondents: New stationary combustion turbines with a heat input at peak load equal to or greater than 10.7 gigajoules (10 MMBtu) per hour.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart KKKK).

Estimated number of respondents: 589 (total).

Frequency of response: Initially and semiannually.

Estimated annual burden: 59,000 hours.

Estimated annual cost: $5,930,000, includes $0 annualized capital or O&M costs.

Changes in Estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(47) Docket ID Number: EPA–HQ–OECA–2012–0527; Title: NESHAP for Paints and Allied Products Manufacturing Area Source Category (40 CFR part 63, subpart CCCCCCC) (Renewal); EPA ICR Number 2348.05; OMB Control Number 2060–0633; Expiration Date: May 31, 2019.

Respondents: Paint and coating manufacturers, adhesive manufacturers, printing ink manufacturers, and miscellaneous chemical product and preparation manufacturers.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart CCCCCCC).

Estimated number of respondents: 2,190 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 5,040 hours.

Estimated annual cost: $1,240,000, includes $0 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(48) Docket ID Number: EPA–HQ–OECA–2012–0496; Title: NESHAP for Asphalt Processing and Asphalt Roofing Manufacturing (40 CFR part 63, subpart AAAAAAA) (Renewal); EPA ICR Number 2352.05; OMB Control Number 2060–0634; Expiration Date: May 31, 2019.

Respondents: Area sources that process asphalt or manufacture asphalt roofing products.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart AAAAAAA).

Estimated number of respondents: 75 (total).

Frequency of response: Semiannually.

Estimated annual burden: 175 hours.

Estimated annual cost: $305,000, includes $1,130 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(49) Docket ID Number: EPA–HQ–OECA–2012–0642; Title: NESHAP for Chemical Preparations Industry (40 CFR part 63, subpart BBBBBBB) (Renewal); EPA ICR Number 2356.05; OMB Control Number 2060–0636; Expiration Date: May 31, 2019.

Respondents: Chemical preparation facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart BBBBBBB).

Estimated number of respondents: 26 (total).

Frequency of response: Initially and semiannually.

Estimated annual burden: 2,210 hours.

Estimated annual cost: $223,000, includes $390 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(50) Docket ID Number: EPA–HQ–OECA–2018–0251; Title: NESHAP for Secondary Aluminum Production (40 CFR part 63, subpart RRR) (Renewal); EPA ICR Number 2453.03; OMB Control Number 2060–0683; Expiration Date: May 31, 2019.

Respondents: Secondary aluminum production plants.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart RRR).

Estimated number of respondents: 161 (total).

Frequency of response: 50

Estimated annual burden: 1,695 hours.

Estimated annual cost: $2,480,000, includes $2,320,000 annualized capital or O&M costs.

Changes in Estimates: There is a projected decrease in burden since the last ICR, because the rule has been effective for more than three years, and the burden for ongoing compliance is expected to be less than the burden for initial compliance with the rule.

(51) Docket ID Number: EPA–HQ–OECA–2012–0666; Title: NESHAP for the Printing and Publishing Industry (40 CFR part 63, subpart KK) (Renewal); EPA ICR Number 1739.09; OMB Control Number 2060–0335; Expiration Date: June 30, 2019.

Respondents: Publication rotogravure, product and packaging rotogravure, and wide-web flexographic printing presses at major sources.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart KK).

Estimated number of respondents: 352 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 59,800 hours.

Estimated annual cost: $6,420,000, includes $414,000 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(52) Docket ID Number: EPA–HQ–OECA–2012–0677; Title: NSPS for Standards of Peformance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction or Modification Commenced after June 11,

1973, and prior to May 19, 1978 (Renewal); EPA ICR Number 1797.08; OMB Control Number 2060–0442; Expiration Date: June 30, 2019.

Respondents: Facilities that store petroleum liquids in storage vessels.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart K).

Estimated number of respondents: 69 (total).

Frequency of response: Occasionally.

Estimated annual burden: 321 hours.

Estimated annual cost: $32,200, includes $0 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(53) Docket ID Number: EPA–HQ–OECA–2012–0699; Title: NESHAP for Primary Magnesium Refining (40 CFR part 63, subpart TTTTT) (Renewal); EPA ICR Number 2098.08; OMB Control Number 2060–0536; Expiration Date: June 30, 2019.

Respondents: Primary magnesium refining facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart TTTTT).

Estimated number of respondents: 1 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 611 hours.

Estimated annual cost: $62,700, includes $1,200 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(54) Docket ID Number: EPA–HQ–OECA–2012–0693; Title: NESHAP for Taconite Iron Ore Processing (40 CFR part 63 subpart RRRRR) (Renewal); EPA ICR Number 2050.07; OMB Control Number 2060–0538; Expiration Date: June 30, 2019.

Respondents: Taconite iron ore processing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63 subpart RRRRR).

Estimated number of respondents: 4 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 276 hours.

Estimated annual cost: $326,000, includes $298,000 annualized capital or O&M costs.

Changes in Estimates: There is a projected decrease in burden due to anticipated shutdown of existing sources.

(55) Docket ID Number: EPA–HQ–OECA–2012–0691; Title: NESHAP for Mercury Cell Chlor-Alkali Plants (40 CFR part 63, subpart IIIII) (Renewal); EPA ICR Number 2046.09; OMB Control Number 2060–0542; Expiration Date: June 30, 2019.

Respondents: Mercury cell chlor-alkali plants.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart IIIII).

Estimated number of respondents: 2 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 3,760 hours.

Estimated annual cost: $394,000, includes $16,400 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(56) Docket ID Number: EPA–HQ–OECA–2012–0702; Title: NESHAP for Area Sources: Polyvinyl Chloride and Copolymers Production, Primary Copper Smelting, Secondary Copper Smelting, and Primary Nonferrous Metals-Zinc, Cadmium, and Beryllium (Renewal); EPA ICR Number 2240.06; OMB Control Number 2060–0596; Expiration Date: June 30, 2019.

Respondents: Polyvinyl chloride and copolymers production, primary copper smelting, secondary copper smelting, and zinc, cadmium, and beryllium production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subparts EEEEEE, FFFFFF, and GGGGGG).

Estimated number of respondents: 5 (total).

Frequency of response: Initially.

Estimated annual burden: 74 hours.

Estimated annual cost: $7,400, includes $0 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(57) Docket ID Number: EPA–HQ–OECA–2012–0703; Title: NESHAP for Prepared Feeds Manufacturing (40 CFR part 63, subpart DDDDDDD) (Renewal); EPA ICR Number 2354.05; OMB Control Number 2060–0635; Expiration Date: June 30, 2019.

Respondents: Prepared feeds manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart DDDDDDD).

Estimated number of respondents: 1,800 (total).

Frequency of response: Initially, annually.

Estimated annual burden: 64,100 hours.

Estimated annual cost: $6,490,000, includes $37,200 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(58) Docket ID Number: EPA–HQ–OECA–2018–0249; Title: NSPS for Greenhouse Gas Emissions for New Electric Utility Generating Units (40 CFR part 60, Subpart TTTT) (Renewal); EPA ICR Number 2465.04; OMB Control Number 2060–0685; Expiration Date: July 31, 2019.

Respondents: Fossil fuel-fired electric utility steam generating units.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart TTTT).

Estimated number of respondents: 37 (total).

Frequency of response: Initially, quarterly.

Estimated annual burden: 651 hours.

Estimated annual cost: $60,977, includes $0 annualized capital or O&M costs.

Changes in Estimates: There is a projected increase in burden due to difference in requirements for ongoing compliance since the initial three-year period of the rule.

(59) Docket ID Number: EPA–HQ–OECA–2012–0643; Title: NSPS for Pressure Sensitive Tape and Label Surface Coating (40 CFR part 60, subpart RR) (Renewal); EPA ICR Number 0658.13; OMB Control Number 2060–0004; Expiration Date: August 31, 2019.

Respondents: Coating lines used in the manufacture of pressure sensitive tape and label materials.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart RR).

Estimated number of respondents: 42 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 3,970 hours.

Estimated annual cost: $482,000, includes $82,600 annualized capital or O&M costs.

Changes in Estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(60) Docket ID Number: EPA–HQ–OECA–2012–0653; Title: NSPS for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels (40 CFR part 60, subparts AA and AAa) (Renewal); EPA ICR Number 1060.18; OMB Control Number 2060–0038; Expiration Date: August 31, 2019.

Respondents: Steel plants that produce carbon, alloy, or specialty steels.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subparts AA and AAa).

Estimated number of respondents: 99 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 62,000 hours.

Estimated annual cost: $6,430,000, includes $203,000 annualized capital or O&M costs.

Changes in Estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(61) Docket ID Number: EPA–HQ–OECA–2012–0659; Title: NESHAP for Perchlorethylene Dry Cleaning Facilities (40 CFR part 63, subpart M) (Renewal); EPA ICR Number 1415.12; OMB Control Number 2060–0234; Expiration Date: August 31, 2019.

Respondents: Dry cleaning facilities that use perchloroethylene.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart M).

Estimated number of respondents: 28,012 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 1,590,000 hours.

Estimated annual cost: $167,000,000, includes $947,000 annualized capital or O&M costs.

Changes in Estimates: There is no change in burden from the previous ICR.

(62) Docket ID Number: EPA–HQ–OECA–2012–0680; Title: Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills (40 CFR part 60, subpart Cc and 40 CFR part 62, subpart GGG) (Renewal); EPA ICR Number 1893.08; OMB Control Number 2060–0430; Expiration Date: August 31, 2019.

Respondents: Municipal solid waste landfills.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart Cc and 40 CFR part 62, subpart GGG).

Estimated number of respondents: 465 (total).

Frequency of response: Initially, occasionally, semiannually and annually.

Estimated annual burden: 38,900 hours.

Estimated annual cost: $3,050,000, includes $603,000 annualized capital or O&M costs.

Changes in Estimates: There is a projected decrease in burden due to anticipated shutdown of existing sources.

(63) Docket ID Number: EPA–HQ–OECA–2012–0688; Title: NESHAP for Plastic Parts and Products Surface Coating (40 CFR part 63, subpart PPPP) (Renewal); EPA ICR Number 2044.07; OMB Control Number 2060–0537; Expiration Date: August 31, 2019.

Respondents: Facilities that perform surface coating of plastic parts and products.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart PPPP).

Estimated number of respondents: 835 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 324,000 hours.

Estimated annual cost: $32,800,000, includes $267,000 annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(64) Docket ID Number: EPA–HQ–OECA–2013–0355; Title: NESHAP for Clay Ceramics Manufacturing, Glass Manufacturing and Secondary Nonferrous Metals Processing Area Sources (40 CFR part 63, subparts RRRRRR, SSSSSS, and TTTTTT) (Renewal); EPA ICR Number 2274.06; OMB Control Number 2060–0606; Expiration Date: August 31, 2019.

Respondents: Area sources of clay ceramics manufacturing, glass manufacturing, and secondary nonferrous metals processing.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subparts RRRRRR, SSSSSS, and TTTTTT).

Estimated number of respondents: 82 (total).

Frequency of response: Initially.

Estimated annual burden: 1,810 hours.

Estimated annual cost: $197,000, includes $9,850 annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(65) Docket ID Number: EPA–HQ–OECA–2015–0190; Title: NSPS for Nitric Acid Plants (40 CFR part 60, subparts G and Ga) (Renewal); EPA ICR Number 1056.13; OMB Control Number 2060–0019; Expiration Date: September 30, 2019.

Respondents: Nitric acid production units.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subparts G and Ga).

Estimated number of respondents: 29 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 2,190 hours.

Estimated annual cost: $2,970,000, includes $2,740,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(66) Docket ID Number: EPA–HQ–OECA–2012–0654; Title: NSPS for Automobile and Light Duty Truck Surface Coating Operations (40 CFR part 60, subpart MM) (Renewal); EPA ICR Number 1064.19; OMB Control Number 2060–0034; Expiration Date: September 30, 2019.

Respondents: Automobile and light duty truck surface coating operations.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart MM).

Estimated number of respondents: 64 (total).

Frequency of response: Initially, quarterly, and semiannually.

Estimated annual burden: 192,000 hours.

Estimated annual cost: $19,900,000, includes $114,000 annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(67) Docket ID Number: EPA–HQ–OECA–2012–0657; Title: NSPS for Flexible Vinyl and Urethane Coating and Printing (40 CFR part 60, subpart FFF) (Renewal); EPA ICR Number 1157.12; OMB Control Number 2060–0073; Expiration Date: September 30, 2019.

Respondents: Rotogravure printing lines used to print or coat flexible vinyl or urethane products.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart FFF).

Estimated number of respondents: 25 (total).

Frequency of response: Initially and semiannually.

Estimated annual burden: 848 hours.

Estimated annual cost: $320,000, includes $232,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(68) Docket ID Number: EPA–HQ–OECA–2012–0656; Title: NSPS for Lead-Acid Battery Manufacturing (40 CFR part 60, subpart KK) (Renewal); EPA ICR Number 1072.12; OMB Control Number 2060–0081; Expiration Date: September 30, 2019.

Respondents: Lead-acid battery manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart KK).

Estimated number of respondents: 52 (total).

Frequency of response: Initially and semiannually.

Estimated annual burden: 3,990 hours.

Estimated annual cost: $423,000, includes $11,700 annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(69) Docket ID Number: EPA–HQ–OECA–2012–0658; Title: NSPS/

NESHAP for Wool Fiberglass Insulation Manufacturing Plants (40 CFR part 60, subpart PPP and 40 CFR part 63, subpart NNN) (Renewal); EPA ICR Number 1160.14; OMB Control Number 2060–0114; Expiration Date: September 30, 2019.

Respondents: Wool fiberglass insulation manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart PPP and 40 CFR part 63, subpart NNN).

Estimated number of respondents: 42 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 2,670 hours.

Estimated annual cost: $803,000, includes $622,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(70) Docket ID Number: EPA–HQ–OECA–2012–0660; Title: NESHAP for Halogenated Solvent Cleaners/Halogenated Hazardous Air Pollutants (40 CFR part 63, subpart T) (Renewal); EPA ICR Number 1652.10; OMB Control Number 2060–0273; Expiration Date: September 30, 2019.

Respondents: Solvent cleaning machines that uses any solvent containing HAP.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart T).

Estimated number of respondents: 1,431 (total).

Frequency of response: Initially, quarterly, and semiannually, and annually.

Estimated annual burden: 48,000 hours.

Estimated annual cost: $5,960,000, includes $1,010,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(71) Docket ID Number: EPA–HQ–OECA–2012–0665; Title: NESHAP for Magnetic Tape Manufacturing Operations (40 CFR part 63, subpart EE) (Renewal); EPA ICR Number 1678.10; OMB Control Number 2060–0326; Expiration Date: September 30, 2019.

Respondents: Magnetic tape manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart EE).

Estimated number of respondents: 6 (total).

Frequency of response: Initially, quarterly, and semiannually.

Estimated annual burden: 3,910 hours.

Estimated annual cost: $451,000, includes $47,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(72) Docket ID Number: EPA–HQ–OECA–2012–0678; Title: NESHAP for Mineral Wool Production (40 CFR part 63, subpart DDD) (Renewal); EPA ICR Number 1799.10; OMB Control Number 2060–0362; Expiration Date: September 30, 2019.

Respondents: Mineral wool production facilities with cupolas and/or curing ovens.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart DDD).

Estimated number of respondents: 8 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 2,130 hours.

Estimated annual cost: $285,000, includes $6,000 annualized capital or O&M costs.

Changes in estimates: There is no change in burden from the previous ICR.

(73) Docket ID Number: EPA–HQ–OECA–2012–0669; Title: NESHAP for Oil and Natural Gas Production (40 CFR part 63, subpart HH) (Renewal); EPA ICR Number 1788.12; OMB Control Number 2060–0417; Expiration Date: September 30, 2019.

Respondents: Oil and natural gas production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart HH).

Estimated number of respondents: 4,242 (total).

Frequency of response: Initially, occasionally, and semiannually.

Estimated annual burden: 52,500 hours.

Estimated annual cost: $6,420,000, includes $1,010,000 annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

Dated: May 8, 2018.

Martha Segall,

Acting Director, Monitoring, Assistance and Media Programs Division, Office of Compliance.

[FR Doc. 2018–11583 Filed 5–29–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2014–0041; FRL–9975–90–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Glass Manufacturing Plants (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR)—NSPS for Glass Manufacturing Plants (Renewal), EPA ICR Number 1131.12, OMB Control Number 2060–0054—to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through May 31, 2018. Public comments were previously requested via the **Federal Register** on June 29, 2017 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including both its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before June 29, 2018.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2014–0041, to: (1) EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A,

Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

Abstract: The New Source Performance Standards (NSPS) for Glass Manufacturing Plants (40 CFR part 60, subpart CC) were proposed on June 15, 1979, promulgated on October 7, 1980, and amended on both October 19, 1984 and October 17, 2000. These regulations apply to both existing and new glass melting furnaces located at glass manufacturing plants. New facilities include those that commenced construction, modification, or reconstruction after the date of proposal. Owners and operators of affected facilities are required to comply with reporting and recordkeeping requirements for the General Provisions (40 CFR part 60, subpart A), as well as the specific requirements at 40 CFR part 60, subpart CC. This includes submitting initial notifications, performance tests and periodic reports and results, and maintaining records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These reports are used by EPA to determine compliance with these standards.

Form Numbers: None.

Respondents/Affected Entities: Glass manufacturing facilities.

Respondent's Obligation to Respond: Mandatory (40 CFR part 60, subpart CC).

Estimated Number of Respondents: 41 (total).

Frequency of Response: Initially, semiannually and annually.

Total Estimated Burden: 850 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total Estimated Cost: $327,000 (per year), which includes $238,000 in either annualized capital or operation & maintenance costs.

Changes in the Estimates: There is no significant change in the labor hours or cost in this ICR compared to the previous ICR. This is due to two considerations: (1) The regulations have not changed over the past three years and are not anticipated to change over the next three years; and (2) the growth rate for the industry is very low, so there is no significant change in the overall burden. However, the calculation of labor costs has been updated to use more recent labor rates.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2018–11546 Filed 5–29–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–SFUND–2015–0100; FRL–9978–53–OLEM]

Agency Information Collection Activities; Proposed Collection; Comment Request; Continuous Release Reporting Regulations (CRRR) Under CERCLA 1980 (Renewal); EPA ICR No. 1445.13, OMB Control No. 2050–0086

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Continuous Release Reporting Regulations (CRRR) Under CERCLA 1980 (Renewal)'' (EPA ICR No. 1445.13, OMB Control No. 2050–0086) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through November 30, 2018. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before July 30, 2018.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–SFUND–2015–0100 online using *www.regulations.gov* (our preferred method), by email to *superfund.docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Sicy Jacob, Regulations Implementation Division, Office of Emergency Management, (5104A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–8019; email address: *jacob.sicy@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: Section 103(a) of CERCLA, as amended, requires the person in charge of a vessel or facility to immediately notify the National

Response Center (NRC) of a hazardous substance release into the environment if the amount of the release equals or exceeds the substance's reportable quantity (RQ). The RQ of every hazardous substance can be found in Table 302.4 of 40 CFR 302.4.

Reporting under the Emergency Planning Community Right to Know Act (EPCRA) section 304 is closely tied to reporting under CERCLA section 103. Under the provisions of EPCRA section 304, all releases of CERCLA hazardous substances that must be reported under CERCLA section 103(a), as well as EPCRA EHSs, must also be reported to State Emergency Response Commissions (SERCs) and Local Emergency Planning Committees (LEPCs) if the releases have a potential for off-site exposure. Releases of other EHSs, that are not CERCLA hazardous substances must be reported to SERCs and LEPCs if they occur in a manner that would require notification under CERCLA section 103(a). Similarly, releases exempt from reporting under CERCLA section 103(a), such as federally permitted releases, or releases subject to reduced reporting requirements under CERCLA section 103(f)(2), are not subject to immediate notification under EPCRA section 304.

The previous ICR inadvertently omitted collection activities and the burden and cost analysis under EPCRA, and are now being accounted for in this ICR renewal.

The continuous release reporting regulations (CRRR) is codified in 40 CFR 302.8 and 355.32 for CERCLA and EPCRA, respectively.

Section 103(f)(2) of CERCLA provides facilities relief from this per-occurrence notification requirement if the hazardous substance release at or above the RQ is continuous and stable in quantity and rate. To ensure that government authorities receive timely and sufficient information to evaluate potentially dangerous hazardous substance releases reported under CERCLA section 103 and EPCRA Section 304, the Continuous Release Reporting Requirements (CRRR), requires reporting a release as a continuous release. The regulations require facilities to make an initial telephone call to the NRC, the SERC, and the LEPC, an initial written report to the EPA Region, the SERC, and the LEPC, and, if the source and chemical composition of the continuous release does not change and the level of the continuous release does not significantly increase, a follow-up written report to the EPA Region one year after submission of the initial written report. If the source or chemical composition of the previously reported continuous release changes, notifying the NRC, the EPA Region, the SERC, and the LEPC of a change in the source or composition of the release is required. Further, a significant increase in the level of the previously reported continuous release must be reported immediately to the NRC, the SERC, and the LEPC according to section 103(a) of CERCLA and EPCRA section 304. Finally, any change in information submitted in support of a continuous release notification must be reported to the EPA Region.

The reporting of a hazardous substance release that is equal to or above the substance's RQ allows the Federal government to determine whether a Federal response action is required to control or mitigate any potential adverse effects to public health or welfare or the environment.

The continuous release of hazardous substance information collected under CERCLA section 103(f)(2) is also available to EPA program offices and other Federal agencies who use the information to evaluate the potential need for additional regulations, new permitting requirements for specific substances or sources, or improved emergency response planning. State and local government authorities and facilities subject to the CRRR use release information for purposes of local emergency response planning. Members of the public, who have access to release information through the Freedom of Information Act, may request release information for purposes of maintaining an awareness of what types of releases are occurring in different localities and what actions, if any, are being taken to protect public health and welfare and the environment. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

Form numbers: EPA Form 6100–10, Continuous Release Reporting Form.

Respondents/affected entities: Entities potentially affected by this action are not defined. The usage and release of hazardous substances are pervasive throughout industry. EPA expects a number of different industrial categories to report hazardous substance releases under the provisions of the CRRR. No one industry sector or group of sectors is disproportionately affected by the information collection burden.

Respondent's obligation to respond: Mandatory if respondents want to obtain reduced reporting for continuous releases. See the abstract for details.

Estimated number of respondents: 4,192.

Frequency of response: On occasion.

Total estimated burden: 334,472 hours (per year). Burden is defined at 5 CFR 1320.03(b).

T*otal estimated cost:* $19,797,899 (per year), includes $243,200 annualized capital or operation & maintenance costs.

Changes in estimates: There is an increase of 8,890 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase in burden results primarily from use of data on the actual number of continuous release reports from several regions and applying a growth rate consistent with prior years reporting. The average annual percent increase in facilities in the previous ICR was approximately 7.5%. The same percent increase was assumed for this ICR. The unit burden hours per respondent information collection activity remains the same as the previous ICR. In addition, this ICR takes into account the requirements under EPCRA section 304, which were inadvertently omitted last renewal.

Dated: May 16, 2018.

Kimberly Jennings,

Acting Director, Office of Emergency Management.

[FR Doc. 2018–11581 Filed 5–29–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9978–58–ORD]

EPA Board of Scientific Counselors; Notice of Charter Renewal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Charter Renewal.

Notice is hereby given that the Environmental Protection Agency (EPA) has determined that, in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, the EPA Board of Scientific Counselors (BOSC) is in the public interest and is necessary in connection with the performance of EPA's duties. Accordingly, the BOSC will be renewed for an additional two-year period. The purpose of BOSC is to provide advice and recommendations to the Administrator regarding science and engineering research, programs and plans, laboratories, and research management practices. Inquiries may be directed to Tom Tracy, U.S. EPA, (Mail Code 8104R), 1200 Pennsylvania

Avenue NW, Washington, DC 20460, telephone (202) 564–6518, or *tracy.tom@epa.gov*.

Dated: April 5, 2018.

Jennifer Orme-Zavaleta,

Principal Deputy Assistant Administrator for Science for the Office of Research and Development, EPA Science Advisor.

[FR Doc. 2018–11576 Filed 5–29–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9978–54–OW]

Extension of the Application Deadline Date for Credit Assistance Under the Water Infrastructure Finance and Innovation Act (WIFIA) Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) extends the deadline to submit a letter of interest (LOI) from prospective borrowers seeking credit assistance from EPA. EPA takes this action to allow more time for the preparation and submission of LOIs by prospective borrowers.

DATES: Deadline for Submittal of Letter of Interest: 12:00 p.m. (noon) EDT on July 31, 2018.

ADDRESSES: Prospective borrowers should submit all LOIs electronically via email at: *wifia@epa.gov* or via EPA's SharePoint site. To be granted access to the SharePoint site, prospective borrowers should contact *wifia@epa.gov* and request a link to the SharePoint site, where they can securely upload their LOIs. Requests to upload documents should be made no later than 12:00 p.m. (noon) EDT on July 27, 2018.

EPA will notify prospective borrowers that their letter of interest has been received via a confirmation email.

Prospective borrowers can access additional information, including the WIFIA program handbook and application materials, on the WIFIA website: *https://www.epa.gov/wifia/.*

SUPPLEMENTARY INFORMATION: On April 12, 2018 EPA published in the **Federal Register** (83 FR 15828) a Notice of Funding Availability (NOFA) to solicit letters of interest (LOIs) from prospective borrowers seeking credit assistance from EPA. The deadline in the NOFA for submitting a LOI was July 6, 2018. EPA is extending this deadline to provide additional time for the preparation and submission of LOIs by prospective borrowers.

All information in the NOFA published on April 12, 2018 (83 FR 15828), remains the same, except for the deadline date, which has been changed to 12:00 p.m. (noon) EDT on July 31, 2018, and the deadline to request a link to EPA's SharePoint site to upload documents, which has been changed to 12:00 p.m. (noon) EDT on July 27, 2018.

EPA will host a question and answer webinar about submitting a LOI on May 30, 2018 at 2:00 p.m. EDT. EPA will also host a webinar providing an overview of the WIFIA program and the current LOI submittal round on June 4, 2018 at 2:00 p.m. EDT. Registration directions can be found on the WIFIA program website: *www.epa.gov/wifia.*

Prospective borrowers with questions about the program or interest in meeting with WIFIA program staff may send a request to *wifia@epa.gov*. EPA will meet with all prospective borrowers interested in discussing the program, but only prior to submission of a LOI.

Authority: 33 U.S.C. 3901–3914; 40 CFR part 35.

Dated: May 15, 2018.

Andrew D. Sawyers,

Director, Office of Wastewater Management.

[FR Doc. 2018–11577 Filed 5–29–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2018–0031 and EPA–HQ–OPP–2018–0139; FRL–9976–24]

Agency Information Collection Activities; Proposed Renewal of Several Currently Approved Collections (EPA ICR Nos. 2491.04 and 2475.03); Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this document announces that EPA is planning to submit requests to renew several currently approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). The ICRs are identified in this document by their corresponding titles, EPA ICR numbers, OMB Control numbers, and related docket identification (ID) numbers. Before submitting these ICRs to OMB for review and approval, EPA is soliciting comments on specific aspects of the information collection activities that are summarized in this document. The ICRs and accompanying material are available for public review and comment in the relevant dockets identified in this document for the ICR.

DATES: Comments must be received on or before July 30, 2018.

ADDRESSES: Submit your comments, identified by the ID number for the corresponding ICR as identified in this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* 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*.

FOR FURTHER INFORMATION CONTACT: Ryne Yarger, Field and External Affairs Division (7506P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 605–1193; email address: *yarger.ryne@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. What information is EPA particularly interested in?

Pursuant to PRA section 3506(c)(2)(A) (44 U.S.C. 3506(c)(2)(A)), EPA specifically solicits comments and information to enable it to:

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 estimates 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.
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 submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

II. What should I consider when I prepare my comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Submit your comments by the deadline identified under **DATES**.

6. Identify the docket ID number assigned to the ICR action in the subject line on the first page of your response. You may also provide the ICR title and related EPA and OMB numbers.

III. What do I need to know about PRA?

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information subject to PRA approval unless it displays a currently valid OMB control number. The OMB control numbers for the EPA regulations in title 40 of the Code of Federal Regulations (CFR), after appearing in the preamble of the final rule, are further displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instruments or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in a list at 40 CFR 9.1.

As used in the PRA context, burden is defined in 5 CFR 1320.3(b).

IV. Which ICRs are being renewed?

EPA is planning to submit two currently approved ICRs to OMB for review and approval under the PRA. In addition to specifically identifying the ICRs by title and corresponding ICR, OMB and docket ID numbers, this unit provides summaries of the information collection activities and the Agency's estimated burden. The Supporting Statement for each ICR, a copy of which is available in the corresponding docket, provides a more detailed explanation.

A. Docket ID Number EPA–HQ–OPP–2018–0031

Title: Agricultural Worker Protection Standard Training, Notification and Recordkeeping.

ICR number: EPA ICR No. 2491.04.

OMB control number: OMB Control No. 2070–0190.

ICR status: The approval for this ICR is scheduled to expire on January 31, 2019.

Abstract: This ICR estimates the recordkeeping and third-party response burden of paperwork activities that covers the information collection requirements contained in the Worker Protection Standard (WPS) regulations at 40 CFR part 170. These requirements were updated in a 2015 Final Rule (80 FR 67495, November 2, 2015) that amended 40 CFR part 170.

Prior to the regulatory update, the WPS regulations already had provisions for training and notification of pesticide-related information for workers who enter pesticide-treated areas after pesticide application to perform crop-related tasks, as well as for handlers who mix, load, and apply pesticides. Agricultural employers and commercial pesticide handling establishments (CPHEs) are responsible for providing required training, notifications and information to their employees to ensure worker and handler safety. The changes to the regulation in 2015 improved protections and included revisions to many of the provisions as well as the addition of new requirements. The regulation now includes expanded and more frequent training for workers and handlers, improved posting of pesticide-treated areas, additional information for workers before they enter a pesticide-treated area while a restricted entry interval (REI) is in effect, access to more general and application-specific information about pesticides used on the establishment, and recordkeeping of training to improve enforceability and compliance.

Burden statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 6 minutes per response. The ICR, a copy of which is available in the docket, provides a detailed explanation of this estimate, which is only briefly summarized here:

Respondents/Affected entities: Respondents affected by the collection activities under this ICR are agricultural employers on agricultural establishments, including employers in farms as well as in nursery, forestry, and greenhouse establishments.

Estimated total number of potential respondents: Approximately 985,000 agricultural establishments and approximately 1,995,000 agricultural workers/handlers.

Frequency of response: Annually or on occasion, depending on the activity.

Estimated total average number of responses for each respondent: Varies.

Estimated total annual burden hours: 10,448,160 hours.

Estimated total annual costs: $433,264,055. This includes an estimated burden cost of $433,264,055 and an estimated cost of $0 for non-burden hour paperwork costs, *e.g.,* investment or maintenance and operational costs.

Changes in the estimates from the last approval: There is no change in the total estimated annual respondent burden from the currently approved ICR to the renewal ICR because the estimated number of respondents for the WPS are based primarily on data EPA obtains from the USDA's Census of Agriculture, with the most recent being the 2012 Census. Therefore, the estimated number of potential respondents has remained unchanged until the next available census.

B. Docket ID Number EPA–HQ–OPP–2018–0139

Title: Labeling Requirements for Certain Minimum Risk Pesticides under FIFRA Section 25(b).

ICR number: EPA ICR No. 2475.03.

OMB control number: OMB Control No. 2070–0187.

ICR status: The approval for this ICR is scheduled to expire on February 28, 2019.

Abstract: This information collection request documents the PRA burden for the labeling requirements for certain minimum risk pesticide products exempt from Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) registration under 40 CFR 152.25(f). These requirements were updated in the final rule entitled: Pesticides; Revisions to Minimum Risk Exemption (80 FR 80653; December 28, 2015).

Under 40 CFR 152.25(f), EPA has exempted from the requirement of FIFRA registration certain pesticide products if they are composed of specified ingredients and labeled accordingly. EPA created the exemption for minimum risk pesticides to eliminate the need for industry or business to expend significant resources to apply for and maintain regulated products that are deemed to be of minimum risk to human health and the environment. In addition, exempting such products freed Agency resources to focus on evaluating formulations whose toxicity was less well characterized, or was of higher toxicity.

The 2015 Final Rule reorganized the ingredients lists and added specific chemical identifiers to clarify to manufacturers, the public, and Federal, state, and tribal inspectors the specific chemical substances that are permitted in minimum risk pesticide products. EPA also modified the label requirements to require the use of specific label display names of ingredients and to require producer contact information on the label. The primary goal of this rulemaking was to clarify the conditions of exemption for minimum risk pesticides by clarifying the specific ingredients that are permitted in minimum risk pesticide products and to provide company contact information on the label. The previous version of this ICR covered the paperwork burdens associated with existing products updating their labels to comply with the new requirements during the 2015 Final Rule's compliance period. EPA anticipates that those burdens have been realized, and is now accounting for the potential burden for new products coming into the market.

Burden statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 5.5 hours per response. The ICR, a copy of which is available in the docket, provides a detailed explanation of this estimate, which is only briefly summarized here:

Respondents/Affected entities: Entities potentially affected by this ICR include individuals or entities engaged in activities related to the manufacturing of minimum risk pesticide products. Distributors, retailers, and users of minimum risk pesticides may also be affected, as many of these companies also manufacture minimum risk pesticide products.

Estimated total number of potential respondents: 49.

Frequency of response: On occasion.

Estimated total average number of responses for each respondent: 5.

Estimated total annual burden hours: 478.5 hours.

Estimated total annual costs: $52,202. This includes an estimated burden cost of $52,202 and an estimated cost of $0 for non-burden hour paperwork costs, *e.g.,* investment or maintenance and operational costs.

Changes in the estimates from the last approval: The renewal of this ICR will result in an overall decrease of 4,939 hours in the total estimated respondent burden identified in the currently approved ICR. This decrease reflects EPA's updating of burden estimates for this collection based upon the assumption that products existing prior to the 2015 Final Rule's compliance date of February 26, 2019, will have met the requirements of the rule update. This ICR now accounts for those products that are considered new to the market after the compliance date. Based on these assumptions, the number of labeling responses per year has decreased from 386 to 87, with a corresponding decrease in the associated burden. This change is an adjustment.

V. What is the next step in the process for these ICRs?

EPA will consider the comments received and amend the individual ICRs as appropriate. The final ICR packages will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** document pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of these ICRs to OMB and the opportunity for the public to submit additional comments for OMB consideration. If you have any questions about any of these ICRs or the approval process in general, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: April 18, 2018.

Charlotte Bertrand,

Acting Principal Deputy Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2018–11573 Filed 5–29–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R05–OAR–2017–0147; FRL–9978–66—Region 5]

Adequacy Status of the Indiana Portion of the Chicago-Naperville, IL-IN-WI Area for the Submitted 2008 Ozone Standard Fifteen Percent Rate of Progress Plan for Transportation Conformity Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of finding of adequacy.

SUMMARY: In this notice, the EPA is notifying the public that we find the motor vehicle emissions budgets (MVEBs) for volatile organic compounds (VOCs) and oxides of nitrogen (NO_X) in the 15% Rate of Progress Plan for the Indiana portion of the Chicago-Naperville, IL-IN-WI 2008 ozone standard nonattainment area (Lake and Porter Counties) adequate for use in transportation conformity determinations. On February 28, 2017, the Indiana Department of Environmental Management (IDEM) submitted a 2008 ozone standard 15% Rate of Progress Plan for Lake and Porter Counties, which included the MVEBs for 2017. IDEM provided further clarification to the Plan on January 9, 2018. As a result of our finding, this area must use these MVEBs from the submitted 15% Rate of Progress Plan for future transportation conformity determinations.

DATES: This finding is applicable June 14, 2018.

FOR FURTHER INFORMATION CONTACT: Anthony Maietta, Environmental Protection Specialist, Control Strategies Section (AR–18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8777, *maietta.anthony@epa.gov.*

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

Background

On February 28, 2017, IDEM submitted to EPA a 15% Rate of Progress Plan for the Indiana portion of the 2008 8-hour ozone Chicago-Naperville, IL-IN-WI nonattainment area, and provided further clarification to the Plan on January 9, 2018. This plan included MVEBs for VOC and NO_X for the year 2017. On March 8, 2018, EPA sent a letter to IDEM stating that the MVEBs are adequate for transportation conformity purposes. Receipt of these MVEBs was announced on EPA's transportation conformity website: *https://www.epa.gov/state-and-local-transportation/adequacy-review-state-implementation-plan-sip-submissions-conformity.* The finding and other relevant information are also available on EPA's transportation conformity website.

The 2017 MVEBs for Lake and Porter Counties are 16.68 tons per day (tpd) of NO_X and 6.85 tpd of VOCs.

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule requires that transportation plans, programs, and projects conform to state air quality implementation plans and establishes the criteria and procedures for determining whether or not they do conform. Conformity to a State Implementation Plan (SIP) means that transportation activities will not produce new air quality violations, worsen existing violations, or delay

timely attainment of the national ambient air quality standards.

The criteria by which we determine whether a SIP's MVEBs are adequate for transportation conformity purposes are outlined in 40 CFR 93.118(e)(4). Please note that an adequacy review is separate from EPA's completeness review, and is also a separate action from EPA's evaluation of and decision whether to approve a proposed SIP revision.

Authority: 42 U.S.C. 7401–7671 q.

Dated: May 16, 2018.

Cathy Stepp,

Regional Administrator, Region 5.

[FR Doc. 2018–11585 Filed 5–29–18; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

[Public Notice: 2018–1060]

Agency Information Collection Activities: Final Collection; Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB review and comments request.

SUMMARY: The Export-Import Bank of the United States (EXIM), as a part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995. The Multi-Buyer Policy: Reasonable Spread of Risk (RSOR) Exclusions Worksheet will be used by external customers, current policyholders and portfolio managers to determine eligibility of Export-Import Bank support under the RSOR Policy. Program changes that were made in 2017 have resulted in revitalized demand of the RSOR product in the marketplace. This form will be available on EXIM's website and will standardize the collection of required information into a user friendly format that can be submitted electronically via email or as an attachment to an EXIM Online application.

DATES: Comments should be received on or before July 30, 2018 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *WWW.REGULATIONS.GOV* (EIB 18–01) or by email to *Mia.Johnson@exim.gov,* or by mail to Mia L. Johnson, Export-Import Bank of the United States, 811 Vermont Ave. NW, Washington, DC 20571.

The form can be viewed at: *https://www.exim.gov/sites/default/files/pub/pending/eib18-01.pdf.*

SUPPLEMENTARY INFORMATION:

Titles and Form Number: EIB18–01 Multi-Buyer Policy: Reasonable Spread of Risk (RSOR) Exclusions Worksheet.

OMB Number: XXXX–XXXX.

Type of Review: New.

Need and Use: The Multi-Buyer Policy: Reasonable Spread of Risk (RSOR) Exclusions Worksheet will be used by external customers, current policyholders and portfolio managers to determine eligibility of Export-Import Bank support under the Reasonable Spread of Risk Policy.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 60.

Estimated Time per Respondent: 15 minutes.

Annual Burden Hours: 15 hours.

Frequency of Reporting or Use: As needed.

Government Expenses:

Reviewing Time per Year: 60 hours.

Average Wages per Hour: $42.50.

Average Cost per Year: $2,550 (time * wages).

Benefits and Overhead: 20%.

Total Government Cost: $3,060.

Bassam Doughman,

IT Specialist.

[FR Doc. 2018–11553 Filed 5–29–18; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0986]

Information Collection 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 June 29, 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 Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@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 Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain*, (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to

take this opportunity to comment on the following information collection.

Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0986.

Title: High-Cost Universal Service Support.

Form Number: FCC Form 481, FCC Form 505, and FCC Form 525.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions and state, local or tribal government.

Number of Respondents and Responses: 1,877 respondents; 14,335 responses.

Estimated Time per Response: 0.5–15 hours.

Frequency of Response: On occasion, quarterly and annual reporting requirements, recordkeeping requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151–154, 155, 201–206, 214, 218–220, 251, 252, 254, 256, 303(r), 332, 403, 405, 410, and 1302.

Total Annual Burden: 63,486 hours.

Total Annual Cost: No Cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission notes that USAC must preserve the confidentiality of all data obtained from respondents; must not use the data except for purposes of administering the universal service programs; and must not disclose data in company-specific form unless directed to do so by the Commission. Privately-held rate-of-return carriers may file the financial information they disclose in FCC Form 481 pursuant to a protective order.

Needs and Uses: The Commission is requesting the Office of Management and Budget (OMB) approval for this revised information collection. On November 18, 2011, the Commission adopted an order reforming its high-cost universal service support mechanisms. *Connect America Fund; A National Broadband Plan for Our Future; Establish Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform—Mobility Fund,* WC Docket Nos. 10–90, 07–135, 05–337, 03–109; GN Docket No. 09–51; CC Docket Nos. 01–92, 96–45; WT Docket No. 10–208, Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) (*USF/ICC Transformation Order*), and the Commission and Wireline Competition Bureau have since adopted a number of orders that implement the *USF/ICC Transformation Order; see also Connect America Fund et al.,* WC Docket No. 10–90 *et al.*, Third Order on Reconsideration, 27 FCC Rcd 5622 (2012); *Connect America Fund et al.,* WC Docket No. 10–90 *et al.*, Order, 27 FCC Rcd 605 (Wireline Comp. Bur. 2012); *Connect America Fund et al.,* WC Docket No. 10–90 *et al.*, Fifth Order on Reconsideration, 27 FCC Rcd 14549 (2012); *Connect America Fund et al.,* WC Docket No. 10–90 *et al.*, Order, 28 FCC Rcd 2051 (Wireline Comp. Bur. 2013); *Connect America Fund et al.,* WC Docket No. 10–90 *et al.*, Order, 28 FCC Rcd 7227 (Wireline Comp. Bur. 2013); *Connect America Fund,* WC Docket No. 10–90, Report and Order, 28 FCC Rcd 7766 (Wireline Comp. Bur. 2013); *Connect America Fund,* WC Docket No. 10–90, Report and Order, 28 FCC Rcd 7211 (Wireline Comp. Bur. 2013); *Connect America Fund,* WC Docket No. 10–90, Report and Order, 28 FCC Rcd 10488 (Wireline Comp. Bur. 2013); *Connect America Fund et al.,* WC Docket No. 10–90 *et al.*, Report and Order, Order and Order on Reconsideration and Further Notice of Proposed Rulemaking, 31 FCC Rcd 3087 (2016). The Commission has received OMB approval for most of the information collections required by these orders. At a later date, the Commission plans to submit additional revisions for OMB review to address other reforms adopted in the orders (*e.g.,* 47 CFR 54.313(a)(6)).

More recently, on August 23, 2016, the Commission adopted the *Alaska Plan Order. See Connect America Fund et al.,* WC Docket Nos. 10–90, 16–271; WT Docket No. 10–208, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 10139 (2016) (*Alaska Plan Order*). In that order, the Commission adopted a plan for providing Alaskan rate-of-return carriers and competitive eligible telecommunications carriers (ETCs) the option to obtain a fixed level of funding for a defined term in exchange for committing to deployment obligations that are tailored to each Alaskan carrier's circumstances. ETCs receiving support pursuant to the Alaska Plan must comply with the Commission's existing high-cost reporting and oversight mechanisms, with certain exceptions and modifications.

On July 7, 2017, the Commission adopted the *ETC Reporting Streamlining Order. See Connect America Fund; ETC Annual Reports and Certifications,* WC Docket Nos. 10–90, 14–58, Report and Order, 32 FCC Rcd 5944 (2017) (*ETC Reporting Streamlining Order*). In that order, the Commission streamlined the annual reporting requirements for ETCs by eliminating rules duplicative of other reporting requirements or that are no longer necessary.

Further, since the previous filing deadline associated with this collection, changing circumstances have made filing certain information no longer necessary or required under the rules. For instance, the final Connect America Phase I incremental support deployment deadlines were in early 2017, so there are no longer any reporting obligations associated with that support. Moreover, because the Connect America Phase II challenge process has ended, the Commission proposes to remove Form 505 from this collection. The Commission also proposes to move FCC Form 507, FCC Form 508, FCC Form 509 and the accompanying instructions to information collection 3060–0233.

The Commission therefore proposes to revise this information collection, as well as Form 481 and its accompanying instructions, to reflect these new or modified requirements. The Commission also proposes a number of non-substantive changes to the Form 481 and accompanying instructions. Any increased burdens for particular reporting requirements are associated with ETCs newly subject to those requirements as a condition of receiving high-cost support.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2018–11534 Filed 5–29–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission (FTC).

ACTION: Notice and request for comment.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, the FTC is seeking public comments on its request to OMB to extend for three years the current PRA clearances for information collection requirements contained in the Commission's rules and regulations under the Fur Products Labeling Act (Fur Rules or Rules). The clearance expires on May 31, 2018.

DATES: Comments must be received by June 29, 2018.

ADDRESSES: Interested parties may file a comment online or on paper by following the instructions in the Request for Comments part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Fur Rules: FTC File No. P072108'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/furrulespra2* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), 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 J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information requirements should be addressed to Jock K. Chung, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Mail Code CC–9528, 600 Pennsylvania Ave. NW, Washington, DC 20580, (202) 326–2984.

SUPPLEMENTARY INFORMATION:

Title: Rules and regulations under the Fur Products Labeling Act, 16 CFR part 301.

OMB Control Number: 3084–0099.

Type of Review: Extension of a currently approved collection.

Abstract: The Fur Products Labeling Act (Fur Act) [1] prohibits the misbranding and false advertising of fur products. The Fur Rules establish disclosure requirements that assist consumers in making informed purchasing decisions, and recordkeeping requirements that assist the Commission in enforcing the Rules. The Rules also provide a procedure for exemption from certain disclosure provisions under the Fur Act.

On March 9, 2018, the Commission sought comment on the information collection requirements in the Fur Rules. 83 FR 10482. One germane comment was received.[2] Mr. Morgan Williamson appears to opine that enforcement of the Fur Rules helps ensure that accurate information is provided to the public by the fur industry about whether fur is faux or not. Mr. Williamson does not however reference any of the PRA estimates associated with the 60-day **Federal Register** notice. As required by OMB regulations, 5 CFR part 1320, the FTC is providing this second opportunity for public comment.

Likely Respondents: Retailers, manufacturers, processors, and importers of furs and fur products.

Frequency of Response: Third party disclosure; recordkeeping requirement.

Estimated Annual Hours Burden: 249,541 hours (64,440 hours for recordkeeping + 185,101 hours for disclosure).

Recordkeeping: 64,440 hours [1,230 retailers incur an average recordkeeping burden of about 18 hours per year (22,140 hours total); 90 manufacturers incur an average recordkeeping burden of about 60 hours per year (5,400 hours total); and 1,230 importers of furs and fur products incur an average recordkeeping burden of 30 hours per year (36,900 hours total)]

Disclosure: 185,101 hours [(107,585 hours for labeling + 28,316 hours for invoices + 49,200 hours for advertising).]

Estimated annual cost burden: $5,105,813 (solely relating to labor costs).[3]

Request for Comment

You can file a comment online or on paper. For the FTC to consider your comment, we must receive it on or before June 29, 2018. Write ''Fur Rules: FTC File No. P072108'' 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 *http://www.ftc.gov/os/publiccomments.shtm.*

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, or to send them to the Commission by courier or overnight service. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/furrulespra2* by following the instructions on the web-based form. When this Notice appears at *http://www.regulations.gov,* you also may file a comment through that website.

If you file your comment on paper, write ''Fur Rules: FTC File No. P072108'' on your comment and on the envelope, and mail it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), 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, Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Comments on the information collection requirements subject to review under the PRA should additionally be submitted to OMB. If sent by U.S. mail, they should be addressed to Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission, New Executive Office Building, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503. Comments sent to OMB by U.S. postal mail are subject to delays due to heightened security precautions. Thus, comments can also be sent via email to *Wendy_L._Liberante@omb.eop.gov.*

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

[1] 15 U.S.C. 69 *et seq.*

[2] The Commission also received four non-germane comments.

[3] The estimated annual labor burden is slightly higher than the estimate of $4,996,243, which was cited in the 60-day **Federal Register** notice. The prior notice relied upon data from the Bureau of Labor Statistics Occupational Employment Statistics Survey as of May 2016, while this current **Federal Register** notice relies upon data from the March 30, 2018 BLS survey updated through May 2017.

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.

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 June 29, 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.*

Heather Hippsley,

Acting Principal Deputy General Counsel.

[FR Doc. 2018–11503 Filed 5–29–18; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK Clinical Trials in Diabetes.

Date: June 18, 2018.

Time: 9:00 a.m. to 10:00 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Elena Sanovich, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7351, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, 301–594–8886, *sanoviche@mail.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; PAR–18–042: Ancillary Studies to Major Ongoing Clinical Research Studies.

Date: June 28, 2018.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Dianne Camp, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7013, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, 301–594–7682, *campd@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; PAR–18–423: NIDDK Multi-Center Clinical Study Implementation Planning Cooperative Agreements (U34 Clinical Trial Optional).

Date: July 2, 2018.

Time: 11:30 a.m. to 2:00 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Najma S. Begum, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7349, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8894, *begumn@niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Lymphatics in Health and Disease.

Date: July 17, 2018.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7353, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, (301) 594–8898, *barnardm@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: May 24, 2018.

David D. Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–11560 Filed 5–29–18; 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 of the NHLBI Institutional Training Mechanism Review Committee.

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; NHLBI

Institutional Training Mechanism Review Committee.

Date: June 21–22, 2018.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Lindsay M. Garvin, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Suite 7189, Bethesda, MD 20892, 301–827–7911, *lindsay.garvin@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: May 23, 2018.

Michelle D. Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–11485 Filed 5–29–18; 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 of the NHLBI Clinical Trials Review Committee.

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; Clinical Trials Review Committee.

Date: June 18–19, 2018.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

Contact Person: Keary A Cope, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7190, Bethesda, MD 20892–7924, 301–827–7912, *copeka@mail.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: May 23, 2018.

Michelle D. Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–11487 Filed 5–29–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of General Medical Sciences Special Emphasis Panel, June 26, 2018, 8:00 a.m. to June 26, 2018, 5:00 p.m., Courtyard by Marriott Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815 which was published in the **Federal Register** on May 11, 2018, 83 FR 22090.

The meeting notice is amended to change the meeting title from Review of MIRA Applications to Review of NIGMS Support of Competitive Research (SCORE) Awards. The meeting is closed to the public.

Dated: May 23, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–11490 Filed 5–29–18; 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 meeting of the NHLBI Special Emphasis Panel.

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 Heart, Lung, and Blood Institute Special Emphasis Panel; NHLBI Epidemiology Cohort Continuation Studies Review.

Date: June 18, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton BWI (Baltimore), 1100 Old Elkridge Landing Road, Baltimore, MD 21090.

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.*

(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: May 23, 2018.

Michelle D. Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–11488 Filed 5–29–18; 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 of the NHLBI Institutional Training Mechanism Review Committee.

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; NHLBI Mentored Clinical and Basic Science Review Committee.

Date: June 21–22, 2018.

Time: 10:30 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Crowne Plaza Washington National Airport, 1480 Crystal Drive, Arlington, VA 22202.

Contact Person: Keith A Mintzer, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7186, Bethesda, MD 20892–7924, 301–827–7949, *mintzerk@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: May 23, 2018.

Michelle D. Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–11486 Filed 5–29–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, June 14, 2018, 11:00 a.m. to June 14, 2018, 1:00 p.m., Sir Francis Drake Hotel, 450 Powell Street at Sutter, San Francisco, CA 94102 which was published in the **Federal Register** on May 22, 2018, 83 FR 23696.

The meeting will be held at the National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. The meeting date and time remain the same. The meeting is closed to the public.

Dated: May 24, 2018.

David D. Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–11558 Filed 5–29–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Program Project Grant P01.

Date: June 20, 2018.

Time: 9:30 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Ana Olariu, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, (301) 496–0660, *Ana.Olariu@nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; R13 Review.

Date: June 22, 2018.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: W. Ernest W. Lyons, Ph.D., Chief, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, (301) 496–0660, *lyonse@ninds.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: May 24, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–11562 Filed 5–29–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Research Enhancement, Exploratory/Developmental Research, and Member Conflicts in Molecular Genetics and Mechanisms.

Date: June 20, 2018.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Luis Dettin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2208, Bethesda, MD 20892, 301–451–1327, *dettinle@csr.nih.gov.*

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Therapeutic Approaches to Genetic Diseases Study Section.

Date: June 21, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Dupont Hotel, 1500 New Hampshire Avenue NW, Washington, DC 20036.

Contact Person: Methode Bacanamwo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2200, Bethesda, MD 20892, 301–827–7088, *methode.bacanamwo@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Biochemistry and Biophysics of Biological Macromolecules Fellowship Applications.

Date: June 21–22, 2018.

Time: 11:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Sudha Veeraraghavan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–435–1504, *sudha.veeraraghavan@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Epidemiology and Cohort Studies for Alzheimer's Disease, Related Dementia, and Cognitive Resilience.

Date: June 22, 2018.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Heidi B. Friedman, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1012A, MSC 7770, Bethesda, MD 20892, 301–379–5632, *hfriedman@csr.nih.gov.*

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Lung Injury, Repair, and Remodeling Study Section.

Date: June 25, 2018.

Time: 7:30 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.

Contact Person: Ghenima Dirami, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4122, MSC 7814, Bethesda, MD 20892, 240–498–7546, *diramig@csr.nih.gov.*

Name of Committee: Oncology 1—Basic Translational Integrated Review Group; Molecular Oncogenesis Study Section.

Date: June 25–26, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Long Beach Hotel, 111 East Ocean Blvd., Long Beach, CA 90802.

Contact Person: Nywana Sizemore, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6204, MSC 7804, Bethesda, MD 20892, 301–435–1718, *sizemoren@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowship: Oncological Sciences.

Date: June 25–26, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The William F. Bolger Center, 9600 Newbridge Drive, Potomac, MD 20854.

Contact Person: Jian Cao, MD, Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301–827–5902, *caojn@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; SBIR/STTR Applications in Drug Discovery and Development.

Date: June 25, 2018.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Serrano Hotel, 405 Taylor Street, San Francisco, CA 94102.

Contact Person: Sergei Ruvinov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892, 301–435–1180, *ruvinser@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Virology—B Study Section.

Date: June 25–26, 2018.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites by Hilton Baltimore Inner Harbor, 222 St. Paul Pl., Baltimore, MD 21202.

Contact Person: John C. Pugh, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1206, MSC 7808, Bethesda, MD 20892, (301) 435–2398, *pughjohn@csr.nih.gov.*

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Cancer, Heart, and Sleep Epidemiology B Study Section.

Date: June 26–27, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Delfina Santa Monica Hotel, 530 West Pico Boulevard, Santa Monica, CA 90405.

Contact Person: Gniesha Yvonne Dinwiddie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3137, Bethesda, MD 20892, *dinwiddiegy@csr.nih.gov.*

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Infectious Diseases, Reproductive Health, Asthma and Pulmonary Conditions Study Section.

Date: June 26–27, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Pier 2620 Fisherman's Wharf, 2620 Jones Street, San Francisco, CA 94133.

Contact Person: Lisa Steele, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, MSC 7770, Bethesda, MD 20892, (301) 257–2638, *steeleln@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: Tobacco Regulatory Science B.

Date: June 26, 2018.

Time: 10:00 a.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: Joseph Thomas Peterson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, 301–408–9694, *petersonjt@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Bone and Cartilage Biology.

Date: June 26, 2018.

Time: 1:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Srikanth Ranganathan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7802, Bethesda, MD 20892, 301–435–1787, *srikanth.ranganathan@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Radiation Therapeutics and Biology.

Date: June 26, 2018.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Nicholas J. Donato, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040, Bethesda, MD 20892, 301–827–4810, *nick.donato@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: May 23, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–11556 Filed 5–29–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–17–094: Maximizing Investigators' Research Award (R35).

Date: June 18–19, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Cambria Hotel & Suites Rockville, 1 Helen Heneghan Way, Rockville, MD 20850.

Contact Person: Jonathan Arias, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7840, Bethesda, MD 20892, 301–435–2406, *ariasj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Musculoskeletal Rehabilitation Sciences.

Date: June 22, 2018.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Maria Nurminskaya, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, Bethesda, MD 20892, (301) 435–1222, *nurminskayam@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–AG–18–029: Interdisciplinary Research to Understand the Complex Biology of Resilience to Alzheimer's Disease Risk.

Date: June 22, 2018.

Time: 12:00 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: Jonathan Arias, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7840, Bethesda, MD 20892, 301–435–2406, *ariasj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 18–511: Discovery of Molecular Targets and Therapeutics for Pregnancy-Related Diseases.

Date: June 25, 2018.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Mayflower Hotel, 1127 Connecticut Avenue NW, Washington, DC 20036.

Contact Person: Clara M. Cheng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6170, MSC 7892, Bethesda, MD 20892, 301–435–1041, *chengc@csr.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Pregnancy and Neonatology Study Section.

Date: June 25–26, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Mayflower Hotel, 1127 Connecticut Avenue NW, Washington, DC 20036.

Contact Person: Clara M. Cheng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6170, MSC 7892, Bethesda, MD 20892, 301–435–1041, *chengc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Instrumentation, Environmental, and Occupational Safety.

Date: June 25–26, 2018.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Marie-Jose Belanger, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 6188 MSC 7804, Bethesda, MD 20892, 301–435–1267, *belangerm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; SBIB Clinical Pediatric and Fetal Applications.

Date: June 26, 2018.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Donald Scott Wright, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7854, Bethesda, MD 20892, (301) 435–8363, *wrightds@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cardiovascular Disorders.

Date: June 27, 2018.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Luis Espinoza, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7814, Bethesda, MD 20892, 301–435–0952, *espinozala@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; The Blood-Brain Barrier, Neurovascular Systems ad CNS Therapeutics.

Date: June 27, 2018.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Linda MacArthur, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4187, Bethesda, MD 20892, 301–537–9986, *macarthurlh@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Pilot Clinical Trials for the Spectrum of Alzheimer's Disease.

Date: June 27, 2018.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Wind Cowles, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3172, Bethesda, MD 20892, 301–437–7872, *cowleshw@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Healthcare Delivery and Methodologies.

Date: June 27, 2018.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Ping Wu, Ph.D., Scientific Review Officer, HDM IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, Bethesda, MD 20892, 301–451–8428, *wup4@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–15–357: Understanding Alzheimer's Disease in the Context of the Aging Brain.

Date: June 27, 2018.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Boris P. Sokolov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217A, MSC 7846, Bethesda, MD 20892, 301–408–9115, *bsokolov@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: May 24, 2018.

David D. Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–11557 Filed 5–29–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, National Institute of Mental Health.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Mental Health, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute of Mental Health.

Date: June 25–27, 2018.

Time: June 25, 2018, 2:30 p.m. to 5:15 p.m.
Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.
Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Time: June 26, 2018, 9:20 a.m. to 5:05 p.m.
Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.
Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Time: June 27, 2018, 9:00 a.m. to 2:45 p.m.
Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.
Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.
Contact Person: Jennifer E. Mehren, Ph.D., Scientific Advisor, Division of Intramural Research Programs, National Institute of Mental Health, NIH 35A Convent Drive, Room GE 412, Bethesda, MD 20892–3747, 301–496–3501, *mehrenj@mail.nih.gov.* (Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: May 23, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–11491 Filed 5–29–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Emerging Technologies and Training Neurosciences Integrated Review Group, Bioengineering of Neuroscience, Vision and Low Vision Technologies Study Section.
Date: June 18–19, 2018.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites DC Convention Center, 900 10th Street NW, Washington, DC 20001.
Contact Person: Robert C. Elliott, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5190, MSC 7846, Bethesda, MD 20892, 301–435–3009, *elliotro@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, PAR 18–378: Methods and Measurement.
Date: June 18, 2018.
Time: 10:00 a.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: Delia Olufokunbi Sam, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, MSC 7770, Bethesda, MD 20892, 301–435–0684, olufokunbisamd@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Pulmonary, Kidney, and Mental Health Disease Member Conflict.
Date: June 18, 2018.
Time: 2:00 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Gniesha Yvonne Dinwiddie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3137, Bethesda, MD 20892, *dinwiddiegy@csr.nih.gov.*

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Genomics, Computational Biology and Technology Study Section.
Date: June 20–21, 2018.
Time: 8:30 a.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Sir Francis Drake Hotel, 450 Powell Street at Sutter, San Francisco, CA 94102.
Contact Person: Baishali Maskeri, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–827–2864, *maskerib@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowships: Neurodevelopment, Synaptic Plasticity and Neurodegeneration.
Date: June 21–22, 2018.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Wyndham Grand Chicago Riverfront, 71 E Upper Wacker, Chicago, IL 60601.
Contact Person: Mary Schueler, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5214, MSC 7846, Bethesda, MD 20892, 301–451–0996, *marygs@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Brain Disorders and Related Neurosciences.
Date: June 21–22, 2018.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Vilen A. Movsesyan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040M, MSC 7806, Bethesda, MD 20892, 301–402–7278, *movsesyanv@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Cancer Diagnostics and Treatments.
Date: June 21–22, 2018.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Wyndham Grand Chicago Riverfront, Chicago, IL 60601.
Contact Person: Zhang-Zhi Hu, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6186, MSC 7804, Bethesda, MD 20892, (301) 437–8135, *huzhuang@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Sensory and Motor Neuroscience, Cognition and Perception.
Date: June 21–22, 2018.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: The Dupont Hotel, 1500 New Hampshire Avenue NW, Washington, DC 20036.
Contact Person: Sharon S. Low, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5104, MSC 7846, Bethesda, MD 20892, 301–237–1487, *lowss@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Behavioral Neuroscience.
Date: June 21–22, 2018.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Washington Marriott Georgetown, 1221 22nd St. NW, Washington, DC 20037.
Contact Person: Mei Qin, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5213, Bethesda, MD 20892, 301–875–2215, *qinmei@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Biochemistry and Biophysics of Biological Macromolecules Fellowship. Applications.
Date: June 21–22, 2018.
Time: 11:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: David R. Jollie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4150, MSC 7806, Bethesda, MD 20892, (301)-435–1722, *jollieda@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Health Informatics.

Date: June 22, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The William F. Bolger Center, 9600 Newbridge Drive, Potomac, MD 20854.

Contact Person: Xin Yuan, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3141, Bethesda, MD 20892, 301–827–7245, *yuanx4@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Epidemiology and Cohort Studies for Alzheimer's Disease, Related Dementia, and Cognitive Resilience.

Date: June 22, 2018.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Heidi B. Friedman, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1012A, MSC 7770, Bethesda, MD 20892, 301–379–5632, *hfriedman@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Alzheimer's Disease and It's Related Dementias.

Date: June 22, 2018.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Gabriel B. Fosu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3108, MSC 7808, Bethesda, MD 20892, (301) 435–3562, *fosug@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Immune System Plasticity in Dental, Oral, and Craniofacial Diseases.

Date: June 22, 2018.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Yi-Hsin Liu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892, 301–435–1781, *liuyh@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–18–596: Current Topics in Alzheimer's Disease and Its Related Dementias (R01).

Date: June 22, 2018.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: John Burch, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 3213, MSC 7808, Bethesda, MD 20892, 301–408–9519, *burchjb@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: May 23, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–11484 Filed 5–29–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities.

Date: June 28, 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: Ross D. Shonat, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6196, MSC 7804, Bethesda, MD 20892, 301–435–2786, *ross.shonat@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: May 24, 2018.

David D. Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–11563 Filed 5–29–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Minority Health and Health Disparities; 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 materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Minority Health and Health Disparities Special Emphasis Panel; Review of Research Conference (R13) Grants and Career Development (K01, K08, K23, and K99) Awards.

Date: June 29, 2018.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Gateway Plaza, 7201 Wisconsin Avenue, Bethesda, MD 20817.

Contact Person: Deborah Ismond, Ph.D., Scientific Review Officer, Division of Scientific Programs, National Institute on Minority Health and Health Disparities, Gateway Plaza, 7201 Wisconsin Avenue, Bethesda, MD 20817, (301) 594–2704, *ismonddr@mail.nih.gov*.

Dated: May 24, 2018.

David D. Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–11561 Filed 5–29–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of Microbiology, Infectious Diseases and AIDS Initial Review Group Microbiology and Infectious Diseases B Subcommittee MID–B.

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: Microbiology, Infectious Diseases and AIDS Initial Review Group Microbiology and Infectious Diseases B Subcommittee MID–B.

Date: June 18–19, 2018.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Ellen S. Buczko, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301–451–2676, *ebuczko1@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: May 23, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–11559 Filed 5–29–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute on Deafness and Other Communication Disorders Special Emphasis Panel, June 26, 2018, 11:00 a.m. to June 26, 2018, 2:00 p.m., National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 which was published in the **Federal Register** on May 11, 2018, 83 FR 22091.

This meeting notice is amended to change the time of the meeting from 11:00 a.m.–2:00 p.m. to 10:00 a.m.–1:00 p.m. The meeting is closed to the public.

Dated: May 23, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–11489 Filed 5–29–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for Office of Management and Budget (OMB) Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Project: 2019 National Survey on Drug Use and Health

(OMB No. 0930–0110)—Revision

The National Survey on Drug Use and Health (NSDUH) is a survey of the U.S. civilian, non-institutionalized population aged 12 years old or older. The data are used to determine the prevalence of use of tobacco products, alcohol, illicit substances, and illicit use of prescription drugs. The results are used by SAMHSA, the Office of National Drug Control Policy (ONDCP), federal government agencies, and other organizations and researchers to establish policy, to direct program activities, and to better allocate resources.

While NSDUH must be updated periodically to reflect changing substance use and mental health issues and to continue producing current data, only the following minor changes are planned for the 2019 NSDUH: (1) Adding a brief series of questions on medication-assisted treatment (MAT) for opioids and alcohol; and, (2) including other minor wording changes to improve the flow of the interview, to increase respondent comprehension, or to be consistent with text in other questions.

The series of MAT questions seeks to identify medications prescribed by health professionals to help reduce or stop the use of opioids and alcohol. Including these questions in NSDUH will allow SAMHSA to provide the first known national-level estimates on the use of MAT for opioid use disorder and alcohol use disorder.

As with all NSDUH surveys conducted since 1999, including those prior to 2002 when the NSDUH was referred to as the National Household Survey on Drug Abuse, the sample size of the survey for 2019 will be sufficient to permit prevalence estimates for each of the 50 states and the District of Columbia. The total annual burden estimate is shown below in Table 1:

TABLE 1—ANNUALIZED ESTIMATED BURDEN FOR 2019 NSDUH

Instrument	Number of respondents	Responses per respondent	Total number of responses	Hours per response	Total burden hours
Household Screening	137,231	1	137,231	0.083	11,390
Interview	67,507	1	67,507	1.000	67,507
Screening Verification	4,116	1	4,116	0.067	276
Interview Verification	10,126	1	10,126	0.067	678

TABLE 1—ANNUALIZED ESTIMATED BURDEN FOR 2019 NSDUH—Continued

Instrument	Number of respondents	Responses per respondent	Total number of responses	Hours per response	Total burden hours
Total	137,231		218,980		79,851

Written comments and recommendations concerning the proposed information collection should be sent by June 29, 2018 to the SAMHSA Desk Officer at the Office of Information and Regulatory Affairs, OMB. To ensure timely receipt of comments, and to avoid potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov.* Although commenters are encouraged to send their comments via email, commenters may also fax their comments to 202–395–7285. Commenters may also mail them to: OMB, Office of Information and Regulatory Affairs, New Executive Office Building, Room 10102, Washington, DC 20503.

Summer King,

Statistician.

[FR Doc. 2018–11536 Filed 5–29–18; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Issuance of Final Determination Concerning Certain Electric Scissor Lifts

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of final determination.

SUMMARY: This document provides notice that U.S. Customs and Border Protection (''CBP'') has issued a final determination concerning the country of origin of certain electric scissor lifts. Based upon the facts presented, CBP has concluded that the country of origin of the electric scissor lifts in question is the United States, for purposes of U.S. Government procurement.

DATES: The final determination was issued on May 21, 2018. A copy of the final determination is attached. Any party-at-interest, as defined in 19 C.F.R. 177.22(d), may seek judicial review of this final determination within June 29, 2018.

FOR FURTHER INFORMATION CONTACT: Yuliya A. Gulis, Valuation and Special Programs Branch, Regulations and Rulings, Office of Trade, at (202) 325–0042.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on May 21, 2018 pursuant to subpart B of Part 177, U.S. Customs and Border Protection Regulations (19 C.F.R. part 177, subpart B), CBP issued a final determination concerning the country of origin of certain electric scissor lifts (R Series Scissor Lift models 2632R, 3246R, and 4045R), produced by JLG Industries, Inc., which may be offered to the U.S. Government under an undesignated government procurement contract. This final determination, HQ H294980, was issued under procedures set forth at 19 C.F.R. part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511–18). In the final determination, CBP concluded that the country of origin of the electric scissor lifts is the United States for purposes of U.S. Government procurement.

Section 177.29, CBP Regulations (19 C.F.R. 177.29), provides that a notice of final determination shall be published in the **Federal Register** within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 C.F.R. 177.30), provides that any party-at-interest, as defined in 19 C.F.R. 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the **Federal Register**.

Dated: May 21, 2018.

Alice A. Kipel,

Executive Director, Regulations and Rulings, Office of Trade.

HQ H294980

May 21, 2018

OT:RR:CTF:VS H294980 YAG

CATEGORY: Origin

Mr. Thomas A. Coulter
411 East Franklin Street, Suite 500
Richmond, VA 23219

RE: U.S. Government Procurement; Country of Origin of Electric Scissor Lifts; Title III, Trade Agreements Act of 1979 (19 U.S.C. § 2511 *et seq.*); Subpart B, Part 177, CBP Regulations

Dear Mr. Coulter:

This is in response to your correspondence dated March 1, 2018, requesting a final determination, on behalf of your client, JLG Industries, Inc. (''JLG''), concerning the country of origin of certain electric scissor lifts, pursuant to subpart B of Part 177 of the U.S. Customs and Border Protection (''CBP'') Regulations (19 C.F.R. § 177.21 *et seq.*).

We note that JLG is a party-at-interest within the meaning of 19 C.F.R. § 177.22(d)(1) and is entitled to request this final determination.

FACTS:

JLG is an Oshkosh Corporation Company, headquartered in McConnellsburg, Pennsylvania, and a global leader in the manufacture of electric powered and engine powered aerial work platforms. The electric scissor lifts under consideration are part of the JLG R Series family of Scissor Lift products. The R Series is partially assembled in Tianjin, China and then shipped to the United States for additional manufacturing and testing, and final assembly. Once completed, the product will be introduced in commerce and offered for sale, lease, or rental to the U.S. Government.

CBP has previously issued an advisory country of origin ruling concerning JLG's electric scissor lifts and determined them to be of U.S.-origin. The R Series under review in this case are stated to be new models and 95 percent of the processing is the same, except there is a slight increase in the low-level, unskilled assembly in China and an increase in high-level skilled work on the brain of the product performed in the United States.

The three R Series Scissor Lift models that JLG plans to manufacture are the 2632R, the 3246R, and the 4045R models. While the function of all three models is the same, the models differ in specifications, such as size and platform capacity. A Bill of Material was submitted for Model 4045R. You state that the Bills of Material for the other two R Series Scissor Lift models are substantially the same. As reflected in the detailed Bill of Material, there are 29 separate sub-assemblies/components, in varying quantities, of the R Series Scissor Lift. Approximately 40 percent of the parts are of U.S.-origin and 60

percent of Chinese origin. The remaining few components are sourced from South Korea, Italy, Ireland, and Germany (all designated countries for U.S. Government procurement purposes).

JLG also submitted charts outlining the 25 separate operational sequences, man hours and skill level, for the operations performed in China and the United States in the manufacture of the R Series Scissor Lift. You state that the 15 operations performed in the United States are complex and meaningful, and require medium skill to accomplish, while the 10 operations performed in China are relatively simple hardware assembly and packaging. The following processes are performed in China: assembling the front and rear frame, assembling components (doors, etc.), assembling hydraulic tank and steering hose, building up and installing arm, building up routing and frame covers, installing rails and packaging the partially assembled unit into a cargo container for shipment to the United States. As imported, the Chinese good is stated to be a non-operable platform. You assert that the operations performed in the United States result in a ''self-propelled, saleable, scissor lift.'' Further, you claim a significant part of the final manufacturing and assembly process of JLG's electric scissor lift occurring in the United States consists of functional testing, quality verification, machine calibration, dimensional and structural inspection, and testing, requiring specialized employee training and skill.

The electric scissor lifts have three control modules that act as the ''brain'' of the machine. It is stated that these modules are the most critical components in controlling the machine's functions. These modules are: (1) the platform module, (2) the power controller module, and (3) the logic module. With the exception of the shell of the logic module, which is manufactured in Mexico, all three control modules are manufactured in the United States. The other smart components that interface with the modules referenced above, are also manufactured, assembled, and installed in the United States. These components include batteries, a platform control box (allows the user to lift and lower the platform, and drive and steer the machine), and ground control panel (a secondary operator interface that allows the user to lift and lower the platform while not in the work platform). Finally, all software contained in the ''brain'' is developed and programmed entirely in the United States. The software and module development consumed over 8,000 hours of engineering time. The modules are installed and tested in the United States. Final machine calibration of the electric scissor lifts is also performed subsequent to importation.

ISSUE:

What is the country of origin of the electric scissor lifts for purposes of U.S. Government procurement?

LAW AND ANALYSIS:

CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain ''Buy American'' restrictions in U.S. law or practice for products offered for sale to the U.S. Government, pursuant to subpart B of Part 177, 19 C.F.R. § 177.21 *et seq.,* which implements Title III of the Trade Agreements Act of 1979 (''TAA''), as amended (19 U.S.C. § 2511 *et seq.*).

Under the rule of origin set forth under 19 U.S.C. § 2518(4)(B):

An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

See also 19 C.F.R. § 177.22(a).

In rendering final determinations for purposes of U.S. Government procurement, CBP applies the provisions of subpart B of Part 177 consistent with the Federal Procurement Regulations. *See* 19 C.F.R. § 177.21. In this regard, CBP recognizes that the Federal Acquisition Regulations restrict the U.S. Government's purchase of products to U.S.-made or designated country end products for acquisitions subject to the Trade Agreements Act. *See* 48 C.F.R. § 25.403(c)(1). The Federal Acquisition Regulations define ''U.S.-made end product'' as ''an article that is mined, produced, or manufactured in the United States or that is substantially transformed in the United States into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed.'' *See* 48 C.F.R § 25.003.

In determining whether the combining of parts or materials constitutes a substantial transformation, the determinative issue is the extent of the operations performed and whether the parts lose their identity and become an integral part of the new article. *Belcrest Linens* v. *United States,* 6 C.I.T. 204, 573 F. Supp. 1149 (1983), *aff'd,* 741 F.2d 1368 (Fed. Cir. 1984). If the manufacturing or combining process is a minor one that leaves the identity of the imported article intact, a substantial transformation has not occurred. *Uniroyal, Inc.* v. *United States,* 3 C.I.T. 220, 542 F. Supp. 1026 (1982).

In Headquarters Ruling Letter (''HQ'') H022169, dated May 2, 2008, a glider (consisting of a frame, finished cab, axels, and wheels) was imported into the United States and assembled with approximately 87 different component parts (including the essential parts: a motor, controller, and charger of Canadian origin; a gear box and axel of U.S. origin; and brakes of Indian origin) into an electric mini-truck. The process consisted of eight assembly work stations involving attachment and installation operations, as well as quality control and testing of the product. CBP held that the imported glider and other foreign components were substantially transformed into an electric mini-truck by the assembly operations that took place in the United States. Our decision was based on finding that the imported glider lost its individual identity and became an integral part of a new article possessing a new name, character, and use. Likewise, in HQ H155115, dated May 24, 2011, CBP found that assembly in the United States of an imported glider, and other imported and U.S.-origin parts constituted a substantial transformation into an article with a new name, character, and use. The assembly process in the United States was complex and time-consuming and involved a significant U.S. contribution in both parts and labor.

Similarly, in HQ H118435, dated October 13, 2010, the assembly of a chassis, plastic body parts, and various miscellaneous pieces of plastic trim from China and U.S.-origin battery packs, motors, electronics, wiring assemblies, seats, and chargers into electric golf and recreational vehicles was considered a substantial transformation. CBP found that a substantial transformation occurred in the United States given the complexity and duration of the U.S. manufacturing process, along with the fact that between 12 and 17 of the 53 to 62 components were U.S. components and critical in making the electric vehicle.

Based on the information provided in your letter and consistent with CBP rulings cited above, we note that while many important components of the R Series Scissor Lift products are of

Chinese origin, and many significant processing operations occur in China, the Chinese operations require less skill and precision, and the product remains inoperable when imported into the United States. In contrast, the final assembly of the product, 15 out of 25 operational sequences of which are performed in the United States, requires a good deal more skill, precision and technical expertise. Many of the critical operations involved in completing the product, such as installing the work platforms' software, manufacturing the ''brain'' of the system and attaching the modules to the product, are also performed in the United States. More importantly, 40 percent of the remaining components of the electric scissor lifts are of U.S.-origin. This includes the three control modules, which act as the ''brain'' of the machine, without which the machine cannot function; batteries; the platform control box; and, the ground control panel. We also recognize that the software contained in the three modules is completely developed and programmed in the United States. In addition, significant operations to produce the product are performed in the United States, such as sophisticated testing, inspection, calibration and preparation of the product. Consequently, we find that the imported partially assembled R Series lifts are substantially transformed as a result of the assembly operations performed in the United States to produce the fully functional and operational electric scissor lifts. Based on the information presented, it is our opinion that the country of origin of the RS Scissor Lift is the United States.

HOLDING:

Based on the facts provided, the finished electric scissor lifts will be considered a product of the United States for purposes of U.S. Government procurement.

Notice of this final determination will be given in the **Federal Register**, as required by 19 C.F.R. § 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 C.F.R. § 177.31, that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 C.F.R. § 177.30, any party-at-interest may, within 30 days of publication of the **Federal Register** Notice referenced above, seek judicial review of this final determination before the Court of International Trade.

Sincerely,

Alice A. Kipel, Executive Director
Regulations and Rulings
Office of Trade

[FR Doc. 2018–11504 Filed 5–29–18; 8:45 am]
BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Revision of Agency Information Collection Activity Under OMB Review: TSA End of Course Level 1 Evaluation—Instructor-Led Classroom Training

AGENCY: Transportation Security Administration, DHS.

ACTION: 30-Day notice.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0041, abstracted below to OMB for review and approval of a revision of the currently approved collection under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves the submission of ratings and written comments about the quality of training instruction from TSA students who successfully complete TSA instructor-led classroom training. TSA students include TSA personnel, as well as State and local civilian personnel, who attend the Explosives Detection Canine Handler Course, Passenger Screening Canine Handler Course, Bridge Course, Canine Technical Operations Course, or the Office of Security Operations Canine (OSO) Management Course at the Canine Training Center (CTC).

DATES: Send your comments by June 29, 2018. A comment to OMB is most effective if OMB receives it within 30 days of publication.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, OMB. Comments should be addressed to Desk Officer, Department of Homeland Security/TSA, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh, TSA PRA Officer, Office of Information Technology (OIT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011; telephone (571) 227–2062; email *TSAPRA@tsa.dhs.gov.*

SUPPLEMENTARY INFORMATION: TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on January 26, 2018, 83 FR 4502.

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at *http://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement 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;

(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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Consistent with the requirements of Executive Order (E.O.) 13771, Reducing Regulation and Controlling Regulatory Costs, and E.O. 13777, Enforcing the Regulatory Reform Agenda, TSA is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents.

Information Collection Requirement

Title: TSA End of Course Level 1 Evaluation—Instructor-Led Classroom Training.

Type of Request: Revision of a currently approved collection.

OMB Control Number: 1652–0041.

Forms(s): TSA Form 1904A.

Affected Public: Canine Handlers.

Abstract: TSA's CTC delivers the Explosives Detection Canine Handler Course, Passenger Screening Canine Handler Course, Bridge Course, Canine Technical Operations Course, and the OSO Management Course [1] to TSA

[1] Because CTC is the sole DHS source for all TSA-trained canines and handlers, the TSA has

Continued

personnel, as well as to State and local civilian personnel. State and local civilian personnel (primarily, law enforcement agencies that are responsible for the security at airports throughout the United States) participate under agency-specific cooperative agreements with TSA's National Explosives Detection Canine Team Program. This information collection captures ratings and written comments and feedback from students about the quality of the referenced training.

TSA is revising the information collection to standardize all Level 1 course evaluations across TSA. A Level 1 evaluation is a measure of the degree to which participants react to a learning activity. In addition, TSA is removing from the form all personally identifiable information (PII) as well as course code and location, as these elements are not necessary to the collection. Finally, TSA is revising the name of the collection from ''TSA OTWE Canine Training and Evaluation Branch End of Course Level 1 Evaluation'' to ''TSA End of Course Level 1 Evaluation—Instructor-Led Classroom Training.''

Number of Respondents: 79.

Estimated Annual Burden Hours: An estimated 39.5 hours annually.

Dated: May 23, 2018.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. 2018–11508 Filed 5–29–18; 8:45 am]

BILLING CODE 9110–05–P

partnered with local law enforcement agencies (Legacy) under a reimbursement agreement to train students and canines and pair the canine teams through annual evaluations. To ensure standardization of all TSA student training, the civilian students attend the same courses as TSA students. This may include pairing civilian students with an explosives-only canine in the CTC Explosives Detection Canine Handler Course; pairing civilian students with trained canines in the Passenger Screening Canine Handler Course; or enrolling students previously certified by the TSA to attend the Bridge Course to enhance their skillset. Doing so ensures all students with the TSA's National Explosives Detection Canine Team Program receive the same course materials to successfully operate in the operational environments associated with TSA (airports, mass transit, and water vessels with the transportation triad). Lastly, CTC will be developing a course specifically for Legacy civilian supervisors and trainers that incorporates much of the content and materials in the Canine Technical Operations Course and Canine Management Course.

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Intent To Request Approval From OMB of One New Public Collection of Information: Law Enforcement Officers Safety Act and Retired Badge/Credential

AGENCY: Transportation Security Administration, DHS.

ACTION: 60-Day Notice.

SUMMARY: The Transportation Security Administration (TSA) invites public comment on a new Information Collection Request (ICR) abstracted below that we will submit to the Office of Management and Budget (OMB) for approval in compliance with the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. This collection involves the submission of information from former employees who are interested in a Law Enforcement Officers Safety Act of 2004 (LEOSA) Identification (ID) Card, a retired badge and/or a retired credential.

DATES: Send your comments by July 30, 2018.

ADDRESSES: Comments may be emailed to *TSAPRA@tsa.dhs.gov* or delivered to the TSA PRA Officer, Office of Information Technology (OIT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh at the above address, or by telephone (571) 227–2062.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at *http://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement 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;

(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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Consistent with the requirements of Executive Order (E.O.) 13771, Reducing Regulation and Controlling Regulatory Costs, and E.O. 13777, Enforcing the Regulatory Reform Agenda, TSA is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents.

Information Collection Requirement

LEOSA

Under 18 U.S.C. 926C, which codifies a portion of LEOSA,[1] a ''qualified retired law enforcement officer'' may carry a concealed firearm in any jurisdiction in the United States, regardless of State or local laws, with certain limitations and conditions. In accordance with LEOSA, the Department of Homeland Security (DHS) issued DHS Directive and Instruction Manual 257–01, *Law Enforcement Officers Safety Act* (Nov. 5, 2009). DHS Directive 257–01 requires DHS components to implement the provisions of LEOSA pertaining to qualified retired LEOs as cost-effectively and efficiently as possible consistent with the requirements and intent of the statute for LEOs formerly employed by DHS and predecessor agencies.

TSA subsequently issued TSA Management Directive (MD) 3500.1, *LEOSA Applicability and Eligibility* (Oct. 7, 2001), to implement the LEOSA statute and DHS directive. Under this MD, TSA issues photographic identification to retired LEOs who separated or retired from TSA in ''good standing'' and meet other qualification requirements identified in this MD.

Retired Badge/Credential

Under TSA MD 2800.11, *Badge and Credential Program,* an employee retiring from Federal service is eligible to receive a ''retired badge and/or credential'' if the individual: (1) Was issued a badge and/or credential, (2) qualifies for a Federal annuity under the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS), and (3) meets all of the

[1] Public Law 108–277, 118 Stat. 865, July 22, 2004, codified in 18 U.S.C. 926B and 926C, as amended by the Law Enforcement Officers Safety Act Improvements Act of 2010 (Pub. L. 111–272, 124 Stat. 2855; Oct. 12, 2010) and National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239, 126 Stat. 1970; Jan. 2, 2013).

other qualification requirements under the MD.[2]

Use of Retired Badge and/or Credential

If the employee is approved for a retired badge and/or credential, his or her badge and/or credential will be replicated by TSA and marked with the word ''RETIRED,'' to indicate that the retired employee no longer has the authority to perform specific official functions pursuant to law, statute, regulation or DHS Directive. In the case of a retired LEO, the individual is prohibited from using the TSA retired credential as photographic identification for the purposes of the LEOSA.

Purpose and Description of Data Collection

Under TSA's current application process for these two programs, qualified applicants may apply for a LEOSA ID Card, a Retired Badge, and/or a Retired Credential, as applicable, either while still employed by TSA (shortly before separating or retiring) or after they have separated or retired (after they become private citizens, *i.e.,* are no longer employed by the Federal Government).

The LEOSA Identification Card Application (TSA Form 2825A) requires collection of identifying information, contact information, official title, separation date, and last known field office. Identifying information, such as the date of birth and social security number (SSN), are necessary to confirm the individual's identity and to process the individual through the National Crime Information Center (NCIC) database. Similarly, for purposes of a retired badge and/or credential, TSA Form 2808, *Personal Identity Verification (PIV) Card, Badge, Credential or Access Control Application,* requires collection of identifying information, contact information, TSA employment/position information (TSA component or Government agency), official title, and entry on duty date. This collection of information is necessary to confirm the identity of the individual, conduct the necessary qualification process to determine the individual's eligibility for a retired badge and/or credential, and to contact the individual if needed.

Based on current data, TSA estimates 32 LEOSA Application Forms 2825A and 30 Retired Badge and Credential Application Forms 2808 will be submitted, for a total of 62 respondents annually. It takes approximately 5 minutes (0.08333 hours) to complete either form, so the total annual hour burden to the public will be 62 multiplied by 0.08333 hours, or 5.17 hours.

Use of Results

TSA will use the information to conduct the qualification review for: (1) retired and separated law enforcement officers requesting LEOSA identification cards, and (2) retiring individuals requesting a retired badge and/or credential.

Dated: May 23, 2018.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. 2018–11509 Filed 5–29–18; 8:45 am]

BILLING CODE 9110–05–P

[2] These instructions are included in DHS Instruction: 121–01–002 (Issuance and Control of DHS Badges); DHS Instruction 121–01–008 (Issuance and Control of the DHS Credentials); and the associated Handbook for TSA MD 2800.11.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6099–N–01]

Section 8 Housing Assistance Payments Program—Fiscal Year 2018 Inflation Factors for Public Housing Agency Renewal Funding

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: This notice establishes Renewal Funding Inflation Factors (RFIFs) to adjust Fiscal Year (FY) 2018 renewal funding for the Housing Choice Voucher (HCV) program of each public housing agency (PHA), as required by the Consolidated Appropriations Act, 2018. HUD produces the FY 2018 RFIFs by apportioning the expected percent change in national per unit cost (PUC) for the HCV program, 3.47 percent, to each PHA based on the change in Fair Market Rents (FMRs) for their operating area. HUD's FY 2018 methodology is the same as that which was used in FY 2017. However, HUD is seeking comment on potential RFIF methodology changes related to the use of ad hoc surveys conducted for purposes of reevaluating FMRs and their effect on the calculation of RFIFs.

DATES:

Comment Due Date: June 29, 2018.

Applicability Date: May 30, 2018.

FOR FURTHER INFORMATION CONTACT: For technical information regarding the development of the schedules for specific areas or the methods used for calculating the inflation factors, contact: Miguel A. Fontanez, Director, Housing Voucher Financial Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, telephone number 202–402–4212; Peter B. Kahn, Director, Economic and Market Analysis Division, Office of Policy Development and Research, telephone number 202–402–2409, or Adam Bibler, Economist, Economic and Market Analysis Division, Office of Policy Development and Research, telephone number 202–402–6057. Mail for these individuals should be addressed to the Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410. Hearing- or speech-impaired persons may contact the Federal Relay Service at 800–877–8339 (TTY). (Other than the ''800'' TTY number, the above-listed telephone numbers are not toll free.)

SUPPLEMENTARY INFORMATION:

I. Background

Division L, Title II of the Consolidated Appropriations Act, 2018 requires that the HUD Secretary, for the calendar year 2018 funding cycle, provide renewal funding for each PHA based on validated voucher management system (VMS) leasing and cost data for the prior calendar year and by applying an inflation factor as established by the Secretary, published in the **Federal Register**. This notice announces the availability of the FY 2018 inflation factors and describes the methodology for calculating them. Tables in PDF and Microsoft Excel formats showing RFIFs will be available electronically from the HUD data information page at: *https://www.huduser.gov/portal/datasets/rfif/rfif.html.*

II. Methodology

RFIFs are used to adjust the allocation of HCV program funds to PHAs for local changes in rents, utility costs, and tenant incomes. To calculate the RFIFs, HUD first forecasts a national inflation factor, which is the annual change in the national average PUC. HUD then calculates individual area inflation factors, which are based on the annual changes in the two-bedroom FMR for each area. Finally, HUD adjusts the individual area inflation factors to be consistent with the national inflation factor.

HUD's forecast of the national average PUC is based on forecasts of gross rent and tenant income. Each forecast is produced using historical and forecasted macroeconomic data as independent variables, where the forecasts are consistent with the economic assumptions of the Administration's FY 2018 Budget. The forecast of gross rent is itself based on

forecasts of the Consumer Price Index (CPI) Rent of Primary Residence Index and the CPI Fuels and Utilities Index. Forecasted values of these series are applied to the FY 2018 national average two-bedroom FMR to produce a projected calendar year (CY) 2018 gross rent value. A ''notional'' PUC is calculated as the difference between gross rent value and 30 percent of average tenant income (the standard percentage for tenant rent contributions in the voucher program). The change between the CY 2017 notional PUC and the forecasted CY 2018 notional PUC is the expected national change in PUC, or 3.47 percent. HUD uses a notional PUC as opposed to the actual PUC to project costs that are consistent with PHAs leasing the same number and quality of units. For several years, growth in observed PUC was lower than this notional PUC as PHAs reacted to reduced overall program funding by reducing payment standards relative to the FMR. For more information on HUD's forecast methodology, see 82 FR 26710.

The inflation factor for an individual geographic area is based on the annualized change in the area's FMR between FY 2017 and FY 2018. These changes in FMRs are then scaled such that the voucher-weighted average of all individual area inflation factors is equal to the national inflation factor, *i.e.,* the expected annual change in national PUC from CY 2017 to CY 2018, and such that no area has a factor less than one. For PHAs operating in multiple FMR areas, HUD calculates a voucher-weighted average inflation factor based on the count of vouchers in each FMR area administered by the PHA as captured in HUD administrative data as of December 31, 2017.

III. The Use of Inflation Factors

HUD subsequently applies the calculated individual area inflation factors to eligible renewal funding for each PHA based on VMS leasing and cost data for the prior calendar year.

IV. Geographic Areas and Area Definitions

As explained above, inflation factors based on area FMR changes are produced for all FMR areas and applied to eligible renewal funding for each PHA. The tables showing the RFIFs, available electronically from the HUD data information page, list the inflation factors for each FMR area on a state-by-state basis. The inflation factors use the same OMB metropolitan area definitions, as revised by HUD, that are used for the FY 2018 FMRs. PHAs should refer to the Area Definitions Table on the following web page to make certain that they are referencing the correct inflation factors: *http://www.huduser.org/portal/datasets/rfif/FY2018/FY2018_RFIF_FMR_AREA_REPORT.pdf.* The Area Definitions Table lists areas in alphabetical order by state, and the counties associated with each area. In the six New England states, the listings are for counties or parts of counties as defined by towns or cities. HUD is also releasing the data in Microsoft Excel format to assist users who may wish to use these data in other calculations. The Excel file is available at *https://www.huduser.gov/portal/datasets/rfif/rfif.html.*

V. Request for Comment on the Use of FMRs Based on Ad Hoc Surveys for Renewal Funding

As described above, HUD uses the annual change in an area's FMR in part to produce its inflation factor. HUD allows for the use of PHA-sponsored local rent survey data in calculating FMRs, and the use of this data can produce erratic RFIFs as certain areas switch from FMRs based on American Community Survey (ACS) data to FMRs based on local rent surveys and vice versa. For example, in cases where rents are increasing and an area's FMR was based on the same sponsored local rent survey for two consecutive years, or was previously based on a (higher-rent) local survey that was superseded by more current (lower-rent) ACS data, that area's RFIF will be lower relative to underlying rent growth in the area, leaving PHAs with the choice to either fund additional surveys or accept the lower RFIF. With this notice, HUD seeks comment on this issue, including its equitability to PHAs that have not sponsored local surveys, and on potential method changes to the RFIF calculation. Funds are not available for HUD to carry out extensive local rent surveys. Given this limitation, HUD seeks comment on the following possible ways to calculate the local rent change used in the calculation of RFIFs:

- Maintain the current policy of including the survey-based FMR change in the first calculation of RFIFs following the implementation of the survey and continue using the change in FMRs while the survey is still in effect.
- Stop incorporating local rent surveys in the calculation of the FMR change component of the RFIF calculation.
- As with current policy, include the survey-based FMR change in the first calculation of RFIFs following the implementation of the survey. In subsequent years, while the survey is still being used in the calculation of the published FMRs, use the change in underlying rent data collected via the ACS. By doing this, the rent change component of the RFIF will be based on a local measure of actual year-to-year rent change.
- Instead of having a large increase in the FMR in the first year of using local survey data, with little to no inflation for the next several years, spread the increase over the expected usable life of the survey. HUD would do this by calculating the average annual change between the survey-derived rent and the ACS rent over a two- or three-year period. Surveys conducted in January through June generally are used in two FMR calculations and surveys conducted in July through December are typically used in three FMR calculations. By using the annual average increase as the FMR change component of the RFIF calculation, PHAs in areas submitting local survey data will ultimately have the full increase in their survey-based FMR realized in their inflation factors, but the distortive impacts of implementing the entire change in the first year of the use of the local survey-based rent will also be ameliorated. This would also likely lessen the mismatch between the RFIF and local rent growth rates at the transition back *from* survey data to ACS data.
- Pursue another strategy recommended by commenters.

HUD recognizes that PHAs may need additional renewal funding to support their HCV program when they must increase payment standards commensurate with increases in FMRs due to submission of locally funded survey data. Including the full survey-based FMR change in the RFIF calculation helps to achieve this need; [1] however, use of survey-based FMRs in the RFIF calculation skews the distribution of renewal funding towards those areas where surveys are conducted, all other factors remaining constant. Therefore, HUD is interested in comments from all interested parties, including those PHAs that have engaged in a local survey program, and those PHAs that have not supplied local survey data.

VI. Environmental Impact

This notice involves a statutorily required establishment of a rate or cost determination which does not constitute

[1] HUD notes that even when the FMR change component of the RFIF calculation uses a local survey, the RFIF calculated for the given area is not as large as the FMR change itself since no PHA may receive a negative RFIF. Consequently, the allocation process dampens both FMR increases and FMR decreases towards a central value.

a development decision affecting the physical condition of specific project areas or building sites. Accordingly, under 24 CFR 50.19(c)(6), this notice is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Dated: May 23, 2018.

Todd Richardson,

Acting General Deputy Assistant Secretary for Policy Development and Research.

[FR Doc. 2018–11587 Filed 5–29–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX18LR000F60100; OMB Control Number 1028–0053]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Nonferrous Metals Surveys

AGENCY: U.S. Geological Survey (USGS), Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the U.S. Geological Survey is proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before June 29, 2018.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to U.S. Geological Survey, Information Collections Officer, 12201 Sunrise Valley Drive MS 159, Reston, VA 20192; or by email to *gs-info_collections@usgs.gov.* Please reference OMB Control Number 1028–0053 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Elizabeth S. Sangine by email at *escottsangine@usgs.gov,* or by telephone at 703–648–7720. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on February 16, 2018, 83 FR 7065. One comment was received from Bureau of Economic Analysis supporting the collection of this data as nationally important.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary for the USGS to perform its duties, including whether the information is useful; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, usefulness, and clarity of the information to be collected; and (4) how to minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Abstract: Respondents to these forms supply the USGS with domestic production and consumption data for 22 ores, concentrates, and metals, some of which are considered strategic and critical to assist in determining stockpile goals. These data and derived information will be published as chapters in Minerals Yearbooks, monthly Mineral Industry Surveys, annual Mineral Commodity Summaries, and special publications, for use by Government agencies, industry education programs, and the general public.

Title of Collection: Nonferrous Metals Surveys.

OMB Control Number: 1028–0053.

Form Number: Various, 27 forms.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Business or Other-For-Profit Institutions: U.S. nonfuel minerals producers and consumers of nonferrous metals and related materials.

Total Estimated Number of Annual Responses: 3,647.

Total Estimated Number of Annual Burden Hours: 2,636 hours.

Total Estimated Number of Annual Respondents: 1,400.

Estimated Completion Time per Response: 20 minutes to 90 minutes.

Respondent's Obligation: Voluntary.

Frequency of Collection: Monthly, Quarterly, or Annually.

Total Estimated Annual Nonhour Burden Cost: There are no ''nonhour cost'' burdens associated with this IC.

The authorities for this action are the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*), the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1601 *et seq.*), and the National Mining and Minerals Policy Act of 1970 (30 U.S.C. 21(a)).

Michael J. Magyar,

Associate Director, National Minerals Information Center.

[FR Doc. 2018–11510 Filed 5–29–18; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–25616; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before May 12, 2018, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by June 14, 2018.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions

in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before May 12, 2018. Pursuant to Section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State Historic Preservation Officers:

ARKANSAS

Washington County

North Mock Street Historic District, 114 & 116 N Mock St., Prairie Grove, SG100002566

Prairie Grove Commercial Historic District, Odd numbers 107–305 E Buchanan & 123 S Neal Sts., Prairie Grove, SG100002567

FLORIDA

Hardee County

Downtown Wauchula Historic District, Roughly bounded by W Palmetto & W Orange Sts., N 4th & N Florida Aves., Wauchula, SG100002568

IDAHO

Bonner County

Sandpoint Historic District (Boundary Increase), Roughly bounded by Pine & Cedar Sts., 1st, 2nd & 3rd Aves., Sandpoint, BC100002570

ILLINOIS

Randolph County

Old Fire Station, 822 Swanwick, Chester, SG100002571

Weinrich, Christian F., 217 Opdyke St., Chester, SG100002572

Weister, Frederick, House, 515 Chestnut St., Chester, SG100002573

St. Clair County

Hotel Belleville, 16 S Illinois St., Belleville, SG100002574

IOWA

Audubon County

Ross Grain Elevator, 5940 Main St., Audubon vicinity, SG100002575

LOUISIANA

Acadia Parish

St. Theresa Catholic Church and School, 417 W 3rd St., Crowley, SG100002576

Calcasieu Parish

Carver Courts LA–4, 1300 N Goos Blvd., Lake Charles, SG100002577

Clark Courts LA–4–3, 1703 Pear St., Lake Charles, SG100002578

Grant Parish

Colfax Jail, Roughly bounded by Colfax City Cemetery, Faircloth & 4th Sts., Colfax, SG100002579

Natchitoches Parish

Vallery, Jacquitte, Cabin, 382 Vallery Rd., Chopin, SG100002580

Orleans Parish

Building at 1601 Lafitte Avenue, 1601 Lafitte Ave., New Orleans, SG100002581

Building at 1621 Lafitte Avenue, 1621 Lafitte Ave., New Orleans, SG100002582

Perseverance Benevolent and Mutual Aid Society Hall, 1644 Villere St., New Orleans, SG100002583

Plaquemines Parish

St. Thomas the Apostle Catholic Church and Cemetery, 17605 LA 15, Pointe a la Hache, SG100002585

Pointe Coupee Parish

Mix Store and Post Office, 9253 False River Rd., New Roads, SG100002587

Rapides Parish

Bohemian Community Hall, 94 Industrial Rd., Libuse, SG100002586

Downtown Alexandria Commercial Historic District, Bounded by 2nd, Jackson, Beauregard, 4th, 5th, 6th, Murray, Washington & Lee Sts., Alexandria, SG100002588

St. Bernard Parish

Ford Motor Company Assembly Plant, 7200 N Peters St., Arabi, SG100002589

Terrebonne Parish

Fifth District High School, 918 Roussell St., Houma, SG100002590

MAINE

Cumberland County

Crescent Lodge, 1 Wheeler Rd., Cape Elizabeth, SG100002591

Stover, Capt. Johnson H. Jr., House, 1691 Harpswell Neck Rd., Harpswell, SG100002592

Oxford County

Union School, 392 Church St., Hartford, SG100002593

York County

Memorial Chapel, 55 Cemetery Rd., Berwick, SG100002594

NORTH CAROLINA

Haywood County

Haywood County Hospital, 1230 N Main St., Waynesville, SG100002596

Nash County

Castalia School, (Rosenwald School Building Program in North Carolina MPS), 10445 Lancaster Store Rd., Castalia, MP100002597

OREGON

Yamhill County

Wennerberg, John B., Barn, 501 S Park St., Carlton, SG100002598

SOUTH CAROLINA

Marion County

Richardson-Godbold House, 8447 S SC 41, Marion vicinity, SG100002599

York County

Carroll Rosenwald School (Rosenwald School Building Program in South Carolina, 1917–1932), 4789 Mobley Store Rd., Rock Hill vicinity, MP100002600

TEXAS

Harris County

Schlumberger Well Surveying Corporation Building, 2720 Leeland St., Houston, SG100002601

W-K-M Company, Inc. Historic District, Roughly bounded by Commerce, Sampson, Preston & Velasco Sts., Houston, SG100002602

Travis County

Cambridge Tower, 1801 Lavaca St., Austin, SG100002603

VERMONT

Windsor County

Norwich Mid-Century Modern Historic District, Parts of Hopson, Pine Tree & Spring Pond Rds., Norwich, SG100002604

WASHINGTON

Okanogan County

Saint Mary's Mission, Address Restricted, Omak vicinity, SG100002609

WISCONSIN

Ashland County

ANTELOPE (schooner-barge) Shipwreck (Great Lakes Shipwreck Sites of Wisconsin MPS), 7.5 mi. SE of Michigan Island in L. Superior M, La Pointe vicinity, MP100002610

Brown County

Neufeld, Albert C. and Ellen H., House, 204 W Whitney St., Allouez, SG100002611

Manitowoc County

ARCTIC (tug) Shipwreck, (Great Lakes Shipwreck Sites of Wisconsin MPS), 1.5 mi. NE of the Manitowoc Breakwater Light in L. Michigan, Manitowoc vicinity, MP100002612

A request to move has been received for the following resource:

UTAH

Cache County

Clarkston Tithing Granary (Tithing Offices and Granaries of the Mormon Church TR), 10212 N. 8700 West, Clarkston, MV85000250

Additional documentation has been received for the following resources:

ARIZONA

Maricopa County

Windsor Square Historic District, Roughly bounded by 7th St., Camelback Rd., Central St., and Oregon Ave., Phoenix, AD00001499

Evergreen Historic District, 456 N Robson St. & 463 N Macdonald, Mesa, AD99000706

LOUISIANA

Orleans Parish

Vieux Carre Historic District, Bounded by the Mississippi River, Rampart and Canal Sts., and Esplanade Ave., New Orleans, AD66000377

VIRGINIA

Virginia Beach Independent City

Thoroughgood House, E of Norfolk on Lynnhaven River, Virginia Beach (Independent City), AD66000921

Nomination submitted by Federal Preservation Officer:

The State Historic Preservation Officer reviewed the following nomination and responded to the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the property in the National Register of Historic Places.

GEORGIA

Laurens County

United States Post Office and Court House, 100 N Franklin St., Dublin, SG100002569

Authority: Section 60.13 of 36 CFR part 60.

Dated: May 17, 2018.

Christopher Hetzel,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2018–11530 Filed 5–29–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR83570000, 189R5065C6, RX.59389832.1009676; OMB Control Number 1006–0028]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Recreation Survey Questions

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Reclamation (Reclamation), are proposing to renew an information collection with revisions.

DATES: Interested persons are invited to submit comments on or before June 29, 2018.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to Mr. Ronnie Baca, Bureau of Reclamation, 84–57000, P.O. Box 25007, Denver, CO 80225–0007, or by email to *rbaca@usbr.gov*. Please reference OMB Control Number 1006–0028 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Mr. Ronnie Baca, Bureau of Reclamation, by email at *rbaca@usbr.gov,* or by telephone at (303) 445–3257. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMail*.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on January 12, 2018 (83 FR 1628). No public comments were received.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of Reclamation; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might Reclamation enhance the quality, utility, and clarity of the information to be collected; and (5) how might Reclamation minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Bureau of Reclamation is responsible for recreation development at many of its reservoirs. Presently, there are more than 200 designated recreation areas on our lands within the 17 Western States hosting approximately 30 million visitors annually. As a result, we must be able to respond to emerging trends, changes in the demographic profile of users, changing values, needs, wants and desires, and conflicts between user groups. Statistically valid and up-to-date data derived from the user is essential to developing and providing recreation programs relevant to today's visitor. Reclamation is requesting re-approval for the collection of data from recreational users on Reclamation lands and waterbodies. To meet our needs for the collection of visitor use data, we will be requesting OMB to authorize a two-part request: Survey questions for our regional offices to choose from, and a survey form template. This will allow for a custom designed survey instrument to fit a specific activity or recreation site. The custom designed survey would be created by extracting questions from the approved list of survey questions that are applicable to the recreation area and issue being evaluated. Only questions included in the pre-approved list of survey questions will be used.

Title of Collection: Recreation Survey Questions.

OMB Control Number: 1006–0028.

Form Number: 7–25XX, Recreation Survey Template.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Respondents to the surveys will be members of the public engaged in recreational activities on Reclamation lands and waterbodies. Visitors will primarily consist of local residents, people from large metropolitan areas in the vicinity of the lake/river, and visitors from out of state.

Total Estimated Number of Annual Respondents: 696.

Total Estimated Number of Responses per Respondent: 1.

Total Estimated Number of Annual Responses: 696.

Estimated Completion Time per Response: 15 minutes per survey (an average of 20 questions will be used on each survey; each question will take approximately 45 seconds to complete on average).

Total Estimated Number of Annual Burden Hours: 140.

Respondent's Obligation: Voluntary.

Frequency of Collection: Twice annually.

Total Estimated Annual Nonhour Burden Cost: 0.

It is estimated that there will be a total of 140 out of the 696 contacts that choose not to respond to the survey. These non-respondents account for a total of 1 burden hour per year.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Dated: April 24, 2018.

Carl A. Durrett II,

Acting Director, Policy and Administration.

[FR Doc. 2018–11586 Filed 5–29–18; 8:45 am]

BILLING CODE 4332–90–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1360–1361 (Final)]

Tool Chests and Cabinets From China and Vietnam; Determination

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is materially injured by imports of tool chests and cabinets from China and Vietnam, provided for in subheadings 7326.90.35, 7326.90.86, and 9403.20.00 of the Harmonized Tariff Schedule of the United States that have been found by the U.S. Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV'').[2] [3]

Background

The Commission, pursuant to section 735(b) of the Act (19 U.S.C. 1673d(b)), instituted these investigations effective April 11, 2017, following receipt of a petition filed with the Commission and Commerce by Waterloo Industries Inc., Sedalia, Missouri. Effective September 15, 2017, the Commission established a general schedule for the conduct of the final phase of its investigations on tool chests and cabinets, following a preliminary determination by Commerce that imports of the subject merchandise were subsidized by the government of China. Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of September 25, 2017 (82 FR 44657). The hearing was held in Washington, DC, on November 28, 2018, and all persons who requested the opportunity were permitted to appear in person or by counsel. Following notification of final determinations by Commerce that imports of tool chests and cabinets from China and Vietnam were being sold at LTFV within the meaning of section 735(b) of the Act (19 U.S.C. 1673d(a)), notice of the supplemental scheduling of the final phase of the Commission's antidumping duty investigations was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of April 10, 2018 (83 FR 15361–68).

The Commission made these determinations pursuant to section 735(b) of the Act (19 U.S.C. 1673d (b)). It completed and filed its determinations in these investigations on May 24, 2018. The views of the Commission are contained in USITC Publication 4787 (May 2018), entitled *Tool Chests and Cabinets from China and Vietnam: Investigation Nos. 731–TA–1360–1361 (Final).*

By order of the Commission.

Issued: May 24, 2018.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2018–11522 Filed 5–29–18; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in section 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Kearns did not participate in these investigations.

[3] 83 FR 15365 (April 10, 2018) and 83 FR 15361 (April 10, 2018).

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0101]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension With Change of a Currently Approved Collection; National Firearms Act Division and Firearms and Explosives Services Division Customer Service Survey

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. A minor change is being made to the proposed collection OMB 1140–0101 (Firearms and Explosives Services Division (FESD) Customer Service Survey), to include references to the recently established National Firearms Act Division (NFA Division); which was previously a branch in FESD. All survey questions directly relate to customer experience in FESD, NFA Division and their branches. The proposed collection is being published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until July 30, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any additional information, please contact Erica Payne, National Firearms Act Division, either by mail at 244 Needy Road, Martinsburg, WV 25405, by email at *Erica.payne@atf.gov* or by telephone at 304–616–4582.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including

whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

1. *Type of Information Collection* (check justification or form 83): Extension, with change, of a currently approved collection.

2. *The Title of the Form/Collection:* National Firearms Act Division and Firearms and Explosives Services Division Customer Service Survey

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other For-profit.

Other (if applicable): Individuals or Households, Federal Government, and State, Local, or Tribal Government.

Abstract: The purpose of this survey is to gather information about customer service provided to the firearms and explosives industry and government agencies, in order to improve service delivery and customer satisfaction.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 18,200 respondents will utilize this survey, and it will take each respondent approximately 5 minutes to complete their responses.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 1,517 hours which is equal to: 18,200 (total # of responses) * .0833333 (5 minutes).

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: May 23, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018–11478 Filed 5–29–18; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Countering Weapons of Mass Destruction

Notice is hereby given that, on April 25, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Countering Weapons of Mass Destruction (''CWMD'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, J. Mike Stevens Consulting, Southport, NC; Quantitative Biosciences (qbisci), Solana Beach, CA; Caltech, Pasadena, CA; Guardion Inc., Boston, MA; H3D Inc., Ann Arbor, MI; Mason Livesay Scientific, LLC, DBA IB3 Global Solutions, Knoxville, TN; ARServices Limited, Alexandria, VA; The Charles Stark Draper Laboratory, Cambridge, MA; LocoLabs, Santa Clara, CA; XIA, LLC, Hayward, CA; The Cameron Group, Inc., Fremont, CA; Spectral Labs, San Diego, CA; WWT Asynchrony Labs, St. Louis, MO; NuMat Technologies, Inc., Skokie, IL; Akita Innovations LLC, Billerica, MA; Hamilton Associates, Inc., dba Air Techniques International (ATI), Cambridge, MA; Silver Lake Research Corporation, Azusa, CA; Armtec Countermeasures, Coachella, CA; Design West Technologies, Inc., Tustin, CA; Symetrica Inc., Maynard, MA; Washington State University, Pullman, WA; Gate Scientific Inc., Mipitas, CA; Innovative Management Concepts VA (IMC VA), Dulles, VA; Materials Modification Inc. (Matmod), Fairfax, VA; International AIDS Vaccine Inc. (IAVI), New York, NY; Polysciences, Inc., Warrington, PA; DAGER Technology LLC, Sterling, VA; Owlstone Inc., Norwalk, CT; Hung Technology Solutions, LLC, Baltimore, MD; Advanced Technology Systems Company of Virginia (ATSC), McLean, VA; Aveshka, Inc., Vienna, VA; Dynasafe US LLC, Talladega, AL; Maritime Planning Associates, Newport, RI; Global Systems Engineering, Alexandria, VA; BioMatrix Sciences Inc., Rancho Santa Fe, CA; SourceAmerica, Vienna, VA; Binergy Scientific, Inc., Atlanta, GA; Two Six Labs, LLC, Arlington, VA; Advanced Measurement Technology (Ametek-Ortec), Oak Ridge, TN; Chenega Support Services, LLC, San Antonio, TX; Visionary Products Inc. (VPI), Draper, UT; Toyon Research Corp., Goleta, CA; Mesmo, Inc., Waldorf, MD; DxDiscovery Inc., Reno, NV; Northern Arizona University, Flagstaff, AZ; Decon7 Systems, LLC, Scottsdale, AZ; Northrop Grumman Systems, Huntsville, AL; CTP, Inc. (Commonwealth Trading Partners), Alexandria, VA; Amaratek, San Diego, CA; SRC, Inc., North Syracuse, NY; SENTEL Corporation, a wholly owned subsidiary of Vectrus Systems Corporation, Alexandria, VA; Tex-Shield, Inc., Bethesda, MD; Zeteo Tech, Inc., Sykesville, MD; Eniwetok Group, LLC, Richardson, TX; Lynntech, Inc., College Station, TX; The Pennsylvania State University, Applied Research Laboratory, University Park, PA; Gryphon Scientific, LLC, Takoma Park, MD; Continuum Dynamics, Inc., Ewing, NJ; EV Products, Saxonburg, PA; ADS, Inc., Virginia Beach, VA; CritiTech Particle Engineering Solutions, LLC, Lawrence, KS; Star Cases, LLC dba Zero Manufacturing, North Salt Lake, UT; Science Applications International Corp. (SAIC), Reston, VA; Physical Sciences Inc. (PSI), Andover, MA; INFICON, Inc., East Syracuse, NY; Ginkgo Bioworks, Inc., Boston, MA; Phoenix Operations Group, Woodbine, MD; Biomeme Inc., Philadelphia, PA; Digital Infuzion, Inc., Gaithersburg, MD; TDA Research, Inc., Wheat Ridge, CO; Research International, Monroe, WA; Camber Corporation, an HII Company, Huntsville, AL; Aeris, LLC, Louisville, CO; MRI Global, Kansas City, MO; and W. L. Gore and Associates, Elkton, MD, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and CWMD intends to file additional written notifications disclosing all changes in membership.

On January 31, 2018, CWMD filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal**

Register pursuant to Section 6(b) of the Act on March 12, 2018 (83 FR 10750).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–11507 Filed 5–29–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB Number 1121–0243]

Agency Information Collection Activities; Proposed eCollection; eComments Requested; Revision of a Currently Approved Collection: Office of Justice Programs' Community Partnership Grants Management System (GMS)

AGENCY: Office of Audit, Assessment, and Management, Office of Justice Programs, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs (OJP), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for sixty days (60) until July 30, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Maria Swineford, (202) 616–0109, Office of Audit, Assessment, and Management, Office of Justice Programs, U.S. Department of Justice, 810 Seventh Street NW, Washington, DC 20531 or *maria.swineford@usdoj.gov.*

SUPPLEMENTARY INFORMATION: This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information

(1) *Type of Information Collection:* Renewal of a currently approved collection (1121–0243).

(2) *The Title of the Form/Collection:* Community Partnership Grants Management System (GMS).

(3) *The Agency Form Number, if any, and the Applicable Component of the Department Sponsoring the Collection:* Form Number: None.

Component: Office of Justice Programs, Department of Justice.

(4) *Affected Public Who Will be Asked or Required to Respond, as Well as a Brief Abstract:*

Primary: State, Local or Tribal Governments, Organizations, and Institutes of Higher Education, and other applicants, applying for grants.

Other: None.

Abstract: GMS is the OJP web-based grants applications and award management system. GMS provides automated support throughout the award lifecycle. GMS facilitates reporting to Congress and other interested agencies. The system provides essential information required to comply with the Federal Funding Accountability and Transparency Act of 2006 (FFATA). GMS has also been designated the OJP official system of record for grants activities by the National Archives and Records Administration (NARA).

(5) *An Estimate of the Total Number of Respondents and the Amount of Time Estimated for an Average Respondent to Respond:* An estimated 6,402 organizations will respond to GMS and on average it will take each of them up to 10 hours to complete various award lifecycle processes within the system varying from application submission, award management and reporting, and award closeout.

(6) *An Estimate of the Total Public Burden (in hours) Associated With the Collection:* The estimated public burden associated with this application is 64,118 hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: May 23, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018–11479 Filed 5–29–18; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

[Prohibited Transaction Exemption 2018–07; Exemption Application No. D–11949]

Notice of Exemption Involving BNP Paribas S.A. (BNP Paribas) and Its Current and Future Affiliates, and Certain Related Entities (Collectively, the Applicant), Located in Paris, France

AGENCY: Employee Benefits Security Administration, U.S. Department of Labor.

ACTION: Notice of exemption.

SUMMARY: This document contains a notice of exemption issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and/or the Internal Revenue Code of 1986 (the Code). The exemption affects the ability of certain entities with specified relationships to BNP Paribas to continue to rely upon relief provided by Prohibited Transaction Exemption 84–14.

DATES: This exemption is effective for one year from the Conviction Date (Exemption Period).

FOR FURTHER INFORMATION CONTACT: Mrs. Blessed Chuksorji-Keefe of the Department, telephone (202) 693–8567. (This is not a toll-free number.).

SUPPLEMENTARY INFORMATION: On March 22, 2018, the Department published a notice of proposed exemption in the **Federal Register** at 83 FR 12596, for certain entities with specified relationships to BNP Paribas to continue to rely upon the relief provided by PTE

84–14 for a period of one year,[1] notwithstanding certain criminal convictions, as described herein (the Convictions).

The Department is granting this exemption to ensure that Covered Plans[2] with assets managed by an asset manager within the corporate family of BNP Paribas may continue to benefit from the relief provided by PTE 84–14. This exemption is effective for one year from the Conviction Date (Exemption Period).[3]

No relief from a violation of any other law is provided by this exemption, including any criminal convictions described in the proposed exemption. Furthermore, the Department cautions that the relief in this exemption will terminate immediately if, among other things, an entity within the BNP Paribas corporate structure is convicted of a crime described in Section I(g) of PTE 84–14 (other than the Convictions) during the Exemption Period. The terms of this exemption are designed to promote adherence to basic fiduciary standards under ERISA and the Code. This exemption also aims to ensure that Covered Plans can terminate relationships in an orderly and cost effective fashion in the event the fiduciary of a Covered Plan determines it is prudent to terminate the relationship with a BNP Affiliated QPAM or BNP Related QPAM. The Department notes that its determination that the requisite findings under ERISA section 408(a) have been met is premised on adherence to all of the conditions of the exemption. Accordingly, affected parties should be aware that the conditions incorporated in this exemption are, taken as a whole, necessary for the Department to grant the relief requested by the Applicant. Absent these or similar conditions, the Department would not have granted this exemption.

The individual exemption was requested by the Applicant pursuant to section 408(a) of ERISA and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (76 FR 66637, 66644, October 27, 2011). Effective December 31, 1978, section 102 of the Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue administrative exemptions under section 4975(c)(2) of the Code to the Secretary of Labor. Accordingly, this exemption is being granted solely by the Department.

Department's Comment

The Department cautions that the relief in this exemption will terminate immediately if an entity within the BNP Paribas corporate structure is convicted of a crime described in Section I(g) of PTE 84–14 (other than the Convictions) during the Exemption Period. Although BNP Paribas could apply for a new exemption in that circumstance, the Department would not be obligated to grant the exemption. The terms of this exemption have been specifically designed to permit plans to terminate their relationships in an orderly and cost effective fashion in the event of an additional conviction or a determination that it is otherwise prudent for a plan to terminate its relationship with an entity covered by the exemption.

Written Comments

The Department invited all interested persons to submit written comments and/or requests for a public hearing with respect to the notice of proposed exemption, published in the **Federal Register** at 83 FR 12596 on March 22, 2018. All comments and requests for a hearing were due by March 27, 2018. The Department received written comments from the Applicant. After considering the entire record developed in connection with the Applicant's exemption request, the Department has determined to grant the exemption, with revisions, as described below.

Comment 1—Conviction Date and Exemption Period

Section II(j) of the proposed exemption refers to the Conviction Date of BNP Paribas USA as May 30, 2018. Section III(e) of the proposed exemption defines the term ''Conviction Date'' as the date that a judgment of Conviction against BNP Paribas USA is entered by the District Court in connection with the 2018 Conviction. Further, Section III(g) of the proposed exemption defines the term ''Exemption Period'' as the period from May 30, 2018 until the earlier of: (1) May 29, 2019; or (2) the date of final agency action made by the Department in connection with a new exemption application submitted by BNP Paribas for the covered transactions described herein.

The Applicant states that it is possible that May 30, 2018 will not be the Conviction Date. The Applicant requests that Section III(e) read as follows:

(e) The term ''Conviction Date'' means the date that a judgment of conviction against BNP Paribas USA is entered by the District Court in connection with the 2018 Conviction.

In addition, the Applicant requests a corresponding change to the definition of ''Exemption Period'' in Section III(g), so that Section III(g) read as follows:

(g) The term ''Exemption Period'' means the period from the Conviction Date until the earlier of: (1) one year from the Conviction Date or (2) the date of final agency action made by the Department in connection with a new exemption application submitted by BNP Paribas for the covered transactions described herein.

The Department concurs with the Applicant's request regarding Section III(e) and has revised the exemption accordingly. In addition, the Department has modified Section III(g) to state that ''[t]he term 'Exemption Period' means one year from the Conviction Date.

Comment 2—Sections II(a) and II(b)

Section II(a) of the proposed exemption states: ''*The BNP Affiliated QPAMs and the BNP Related QPAMs (including their officers, directors, agents other than BNP Paribas and BNP Paribas USA, Inc. (BNP Paribas USA)), and employees of such QPAMs and any other party engaged on behalf of such QPAMs who had responsibility for, or exercised authority in connection with the management of plan assets) did not know of, did not have reason to know of, or participate in: (1) The criminal conduct of BNP Paribas that is the subject of the 2015 Convictions; or (2) the criminal conduct of BNP Paribas USA that is the subject of the 2018 Conviction (hereinafter, collectively, the BNP Convictions). 'Participate in' means the knowing approval of the misconduct underlying the BNP Convictions;*''

Section II(b) of the proposed exemption states: ''*The BNP Affiliated QPAMs and the BNP Related QPAMs (including their officers, directors, agents other than BNP Paribas and BNP Paribas USA, and employees of such QPAMs and any other parties engaged on behalf of such QPAMs) did not*

[1] 49 FR 9494, March 13, 1984, as corrected at 50 FR 41430 (October 10, 1985), as amended at 70 FR 49305 (August 23, 2005) and as amended at 75 FR 38837 (July 6, 2010), hereinafter referred to as PTE 84–14 or the QPAM exemption.

[2] ''Covered Plan'' is a plan subject to Part 4 of Title 1 of ERISA (''ERISA-covered plan'') or a plan subject to section 4975 of the Code (''IRA'') with respect to which a BNP Affiliated QPAM relies on PTE 84–14, or with respect to which a BNP Affiliated QPAM (or any BNP Paribas affiliate) has expressly represented that the manager qualifies as a QPAM or relies on the QPAM class exemption (PTE 84–14). A Covered Plan does not include an ERISA-covered plan or IRA to the extent the BNP Affiliated QPAM has expressly disclaimed reliance on the QPAM status or PTE 84–14 in entering into its contract, arrangement, or agreement with the ERISA-covered plan or IRA.

[3] No inference should be drawn from the Department's granting of this one-year exemption that the Department will grant additional relief for BNP Affiliated QPAMs or BNP Related QPAMs to continue to rely on the relief in PTE 84–14 following the end of the one-year period.

receive direct compensation, or knowingly receive indirect compensation, in connection with the criminal conduct that is the subject of the BNP Convictions (the BNP Misconduct);''

The Applicant states that the phrase ''and any other party engaged on behalf of such QPAMs'' could encompass any vendor or any entity hired for even the most ministerial or menial non-asset management jobs. Such a reading would be problematic because the Applicant has not identified this universe or done the diligence required to be certain that it can meet this condition. The Applicant requests that the phrase be deleted from both conditions.

The Department does not agree that the phrase ''and any other party'' has the overly broad scope suggested by the Applicant. The Department notes that the phrase describes parties who had responsibility for, or exercised authority in connection with, the management of plan assets. Therefore, the Department declines to make the requested change.

However, as clarification, the Department has amended its statement on what it means to ''participate in'' misconduct to state that: ''*For purposes of this exemption, 'participate in' refers not only to active participation in the misconduct underlying the BNP Convictions, but also to knowing approval of that misconduct, or knowledge of such misconduct without taking active steps to prohibit such conduct, such as reporting the conduct to supervisors, including the Board of Directors.*''

Comment 3—Section II(h)(1)(vii)

Section II(h)(1)(vii) of the proposed exemption provides: ''*Any violation of, or failure to comply with an item in subparagraphs (ii) through (vi), is corrected as soon as reasonably possible upon discovery, or as soon after the QPAM reasonably should have known of the noncompliance (whichever is earlier), and any such violation or compliance failure not so corrected is reported, upon the discovery of such failure to so correct, in writing. Such report shall be made to the head of compliance and the General Counsel (or their functional equivalent) of the relevant BNP Affiliated QPAM that engaged in the violation or failure, and, the independent auditor responsible for reviewing compliance with the Policies, and a fiduciary of any affected Covered Plan where such fiduciary is independent of BNP.*''

The Applicant represents that this condition is unclear and states that the ''Department removed the requirement to notify the plan fiduciary in the QPAM exemptions granted at the end of December 2017, and the preamble does not explain whether or why the Department deemed it important to reinstate the requirement here.'' The Department notes that the provision at issue was set forth in PTE 2015–06,[4] the earlier BNP Paribas exemption. At no time prior to publication of PTE 2015–06 did the Applicant represent that the provision was not clear and since PTE 2015–06 was granted the Applicant has had to comply with that provision. Further, whether or not the provision is included in another exemption is not a persuasive reason for removing it from this exemption which is developed based on the facts and representations in this application. The Department declines to revise Section II(h)(1)(vii) as requested.

Comments 4 and 5—Clarifications to Proposed Exemption

See discussion in ''Other Comments'' section of this grant notice.

Comment 6—Section II(i)(1)

Section II(i)(1) of the proposed one-year temporary exemption requires, in relevant part: ''*Each BNP Affiliated QPAM submits to an audit conducted by an independent auditor*'' *and the* ''*audit must cover the Exemption Period and must be completed no later than six (6) months after the end of the Exemption Period.*''

The Applicant requests that the ''initial audit under this exemption cover the period from October 16, 2018 through the end of the first year after the Conviction Date.''

The Department declines to make the requested revision. The Department has concluded that this exemption is adequately protective of Covered Plans only to the extent that, among other things, each BNP Affiliated QPAM remains subject to an in-depth audit performed by a qualified independent auditor during the entire period of time covered by this exemption. The audit required by PTE 2015–06 covers a period of time that ends on the day before the 2018 BNP Conviction Date, which may be on around May 30, 2018. However, the revision sought by the Applicant raises the possibility that the BNP Affiliated QPAMs would not be subject to an audit until October 16, 2018, which would be an unacceptably long gap between audit periods. In order to ensure that each BNP Affiliated QPAM remains continuously subject to an in-depth audit throughout the entire term of this exemption, the audit required herein covers a period of time that begins on the 2018 BNP Conviction Date.

The Department has revised the term ''2014 Convictions'' to be the defined term ''2015 Convictions'' as it appears in Footnote 14, as numbered in the proposed one-year temporary exemption, in Section II(i)(1).

Comment 7—Section II(i)(5)(i)

Section II(i)(5) of the proposed one-year temporary exemption states, in relevant part: ''*[f]or the audit, on or before the end of the relevant period described in Section I(i)(1) for completing the audit, the auditor must issue a written report (the Audit Report) . . . [t]he Audit Report must include the auditor's specific determinations regarding: (i) [t]he adequacy of each BNP Affiliated QPAM's Policies and Training . . . The BNP Affiliated QPAM must promptly address or prepare a written plan of action to address any determination of inadequacy by the auditor regarding the adequacy of the Policies and Training. . . .*''

The Applicant requests that the phrase ''any determination of inadequacy by the auditor regarding the adequacy of the Policies and Training'' be revised to read ''any determination by the auditor regarding the adequacy of the Policies and Training.'' The Department modified Section II(i)(5)(i) as requested by the Applicant.

Additionally, the Department has re-designated the references to ''Section I(i)(1)'', ''Section I(h)'', ''Section I(i)(7)'', ''Section I(m)'', and ''Section I(i)(3) and (4)'' found in Section II(i)(5) as ''Section II(i)(1)'', ''Section II(h)'', ''Section II(i)(7)'', ''Section II(m)'', and ''Section II(i)(3) and (4).''

Comment 8—Section II(i)(7)

Section II(i)(7) of the proposed exemption states, in relevant part: ''*With respect to the Audit Report, the General Counsel, or one of the three most senior executive officers of the BNP Affiliated QPAM to which the Audit Report applies, must certify in writing, under penalty of perjury, that the officer has reviewed the Audit Report and this exemption; that, such BNP Affiliated QPAM has addressed, corrected, remedied any noncompliance and inadequacy or has an appropriate written plan to address any inadequacy regarding the Policies and Training identified in the Audit Report.*''

The Applicant requests that the requirements of Section II(i)(7) be modified to take into account BNP Paribas' business structure by providing

[4] 80 FR 20261 (April 15, 2015). PTE 2015–06 is an exemption in respect of Exemption Application D–11863 that permits BNP Affiliated QPAMs to rely on the exemptive relief provided by PTE 84–14, notwithstanding the 2015 Convictions.

that an executive related to an asset/investment management line of business operating through the BNP Affiliated QPAM review and certify the Audit Report. In this regard, the Applicant requests Section II(i)(7) be revised in part as follows: ''[w]ith respect to the Audit Report the General Counsel or one of the three most senior executives of the line of business engaged in discretionary asset management activities through the BNP Affiliated QPAM with respect to which the Audit Report applies, must certify in writing, under penalties of perjury, that the officer has reviewed the Audit Report and this exemption. . . .''

The Department concurs that a senior executive officer with knowledge of the asset management line of business within the BNP Affiliated QPAM should review and certify the Audit Report, and has modified the language of Section II(i)(7), accordingly. The Department also made certain clarifying grammar edits.

Comment 9—Section II(i)(8)

Section II(i)(8) of the proposed exemption provides that: ''*The Risk Committee of BNP's Board of Directors is provided a copy of the Audit Report; and a senior executive officer of BNP must review the Audit Report for each BNP Affiliated QPAM and must certify in writing, under penalty of perjury, that such officer has reviewed the Audit Report.*''

The Applicant requests the Audit Report be submitted to the Board of Directors of BNP Paribas USA, Inc., the intermediate holding company (IHC) of BNP Paribas, S.A. The Applicant states that BNP Paribas USA, Inc. as an IHC and a financial holding company is registered with and supervised by the Board of Governors of the Federal Reserve System. Furthermore, the Applicant represents that BNP Paribas USA, Inc.'s Board of Directors is familiar with the operations of the BNP Affiliated QPAMs and U.S. law. Lastly, the Applicant requests that Section II(i)(8) not reference the risk committee and allow the BNP Paribas USA, Inc.'s Board of Directors to determine which committee should receive the Audit Report.

The Department has developed this exemption to ensure that the highest levels of BNP management are aware of on-going matters concerning BNP Paribas, the BNP Affiliated QPAMs, and compliance with this exemption. In the Department's view, as the parent company, BNP Paribas' Board of Directors is in the best position to ensure that any inadequacy identified by the auditor is appropriately addressed and that changes to corporate policy are effectuated if and where necessary. Requiring that the Audit Report be submitted to the Board of Directors of BNP Paribas provides assurance that the highest levels of management within BNP Paribas stay informed about BNP Paribas' and the BNP Affiliated QPAMs' compliance with the terms of this exemption. Accordingly, the Department declines to change the entity to which the Audit Report is submitted under Section II(i)(8) and in light of the importance of ensuring proper review of the Audit Report, the Department declines to alter this provision to permit BNP Paribas' Board of Directors to decide, in its discretion, which committee receives the Audit Report. To clarify that the entity receiving the Audit Report is the Board of Directors of BNP Paribas, S.A., the parent entity, the term ''BNP'' in Section II(i)(8) has been revised to be the defined term ''BNP Paribas.''

Likewise, in Sections II(h)(1)(vii), II(i)(2), II(i)(5), II(i)(8), and II(i)(12) of this grant notice, the Department has revised the term ''BNP'' to be the defined term ''BNP Paribas'' to clarify the original intent of the Department to reference BNP Paribas, S.A.

Comment 10—Section II(j)(2)

Section II(j)(2) of the proposed exemption provides: ''*As of May 30, 2018 and throughout the Exemption Period, with respect to any arrangement, agreement, or contract between a BNP Affiliated QPAM and a Covered Plan, the BNP Affiliated QPAM agrees and warrants to Covered Plans: . . . (2) To indemnify and hold harmless the Covered Plan for any actual losses resulting directly from: A BNP Affiliated QPAM's violation of ERISA's fiduciary duties, as applicable, and of the prohibited transaction provisions of ERISA and the Code, as applicable; a breach of contract by the QPAM; or any claim arising out of the failure of such BNP Affiliated QPAM to qualify for the exemptive relief provided by PTE 84–14 as a result of a violation of Section I(g) of PTE 84–14 other than the BNP Convictions. This condition applies only to actual losses caused by the BNP Affiliated QPAM's violations.*''

The Applicant states that BNP Affiliated QPAMs with several lines of businesses may have many contracts with Covered Plans. Accordingly, the Applicant requests that the condition be limited to breaches of an investment management contract between the BNP Affiliated QPAM and the Covered Plan.

The Department declines to make the requested revision to this condition. The purpose of this indemnification provision is to protect Covered Plans with respect to its interactions with the BNP Affiliated QPAMs. The Department believes that limiting the scope of indemnification to investment management contracts unnecessarily narrows the protection of Covered Plans from damages within the control of the BNP Affiliated QPAMs.

Comment 11—Section II(j)(7)

Section II(j)(7) of the proposed exemption provides that: *(7)* ''*[Six months from the Conviction Date], each BNP Affiliated QPAM must provide a notice of its obligations under this Section I(j) to each Covered Plan. For prospective Covered Plans that enter into a written asset or investment management agreement with a BNP Affiliated QPAM on or [six months after the Conviction Date], the BNP Affiliated QPAM will agree to its obligations under this Section I(j) in an updated investment management agreement between the BNP Affiliated QPAM and such clients or other written contractual agreement.*''

The Applicant states that a bilateral management agreement containing the obligations under Section II(j) should not be mandated. The Applicant states that the BNP Affiliated QPAM would be in violation of this condition if a client refuses to sign the updated agreement, even if the BNP Affiliated QPAM met the substantive requirements of Section II(j). Accordingly, the Applicant requests that the Department modify the condition so that the BNP Affiliated QPAM may satisfy the condition irrespective of whether the Plan or IRA client signs the updated investment management agreement.

The Department has added the following to Section II(j)(7): ''Notwithstanding the above, a BNP Affiliated QPAM will not violate the condition solely because a Plan or IRA refuses to sign an updated investment management agreement.'' The Department also revised the condition to reflect that May 30, 2018 may not be the Conviction Date.

Comment 12—Section II(j)(4)

Section II(j)(4) of the proposed exemption states that: ''*As of May 30, 2018 and throughout the Exemption Period, with respect to any arrangement, agreement, or contract between a BNP Affiliated QPAM and a Covered Plan, the BNP Affiliated QPAM agrees and warrants to Covered Plans: . . .*''

(4) Not to restrict the ability of such Covered Plan to terminate or withdraw from its arrangement with the BNP Affiliated QPAM with the exception of reasonable restrictions, appropriately

disclosed in advance, that are specifically designed to ensure equitable treatment of all investors in a pooled fund in the event such withdrawal or termination may have adverse consequences for all other investors. In connection with any such arrangements involving investments in pooled funds subject to ERISA entered into after the effective date of this exemption, the adverse consequences must relate to a lack of liquidity of the underlying assets, valuation issues, or regulatory reasons that prevent the fund from promptly redeeming an ERISA-covered plan's or IRA's investment, and such restrictions must be applicable to all such investors and be effective no longer than reasonably necessary to avoid the adverse consequences; . . .''

The Applicant represents that Section II(j)(4) omits the following language: ''. . . with respect to any investment in a separately managed account or pooled fund subject to ERISA and managed by such QPAM . . .'' The Applicant represents that this language is from recent prior QPAM Section I(g) exemptions that made it clear that the QPAMs were not to restrict a Covered Plan's ability to terminate or withdraw from its asset management relationship, either through a separate account or pooled fund. The language as written in the proposed exemption would apply to non-asset management mandates between the QPAMs and the Covered Plan. Therefore, the Applicant requests the same clarification made in the QPAM exemptions granted at the end of December 2017.

The Department concurs with the Applicant's request and has revised the exemption accordingly.

Comment 13—Section II(k)

Section II(k) of the proposed exemption states: ''*By July 29, 2018, each BNP Affiliated QPAM will provide a notice of the exemption, along with a separate summary describing the facts that led to the Convictions (the Summary), which have been submitted to the Department, and a prominently displayed statement (the Statement) (collectively, Initial Notice) that the BNP Convictions result in a failure to meet a condition in PTE 84–14, to each sponsor and beneficial owner of a Covered Plan, or the sponsor of an investment fund in any case where a BNP Affiliated QPAM acts as a sub-advisor to the investment fund in which such ERISA-covered plan and IRA invests, and to each entity that may be a BNP Related QPAM. Effective as of the date of the Initial Notice, all prospective Covered Plan clients that enter into a written asset or investment management agreement with a BNP Affiliated QPAM must receive a copy of the exemption, the Summary, and the Statement prior to, or contemporaneously with, the Covered Plan's receipt of a written asset management agreement from the BNP Affiliated QPAM. Disclosures may be delivered electronically; . . .*''

The Applicant represents that Section II(k) provides that ''Effective as of the date of the Initial Notice, all prospective Covered Plan clients that enter into a written asset or investment management agreement with a BNP Affiliated QPAM must receive'' the notice required under Section II(k). The Applicant states that because ''the Initial Notice likely will be provided over a period of time between the Conviction Date and July 29, 2018, the Applicant requests clarification that the notice provision with respect to prospective Covered Plan clients is effective two months after the Conviction Date.''

The Department concurs with the Applicant's request, and has revised Section II(k) to read: ''Effective as of the date that is 60 days after the Conviction Date, all Covered Plan clients that enter into a written asset or investment management agreement with a BNP Affiliated QPAM after that date must receive . . .''

Comment 14—Section II(m)(1)(ii)

Section II(m)(1)(ii) of the proposed exemption provides: With respect to the Compliance Officer, the following conditions must be met . . . ''*(ii) The Compliance Officer must have a direct reporting line to the highest-ranking corporate officer in charge of legal compliance for asset management; . . .*''

The Applicant requests that the Department clarify, as it did in the technical corrections for the QPAM exemptions granted at the end of December 2017, that each QPAM may designate its own Compliance Officer. In addition, the Applicant requests that the Department delete the word ''legal'' before compliance officer since many senior compliance officers are not lawyers and are not in the legal department of the QPAM.

The Department accepts the Applicant's requests and has revised the exemption accordingly.

Comment 15—Section II(m)(2)(i)

Section II(m)(2)(i) of the proposed exemption provides: ''*With respect to the Exemption Review, the following conditions must be met: (i) The Exemption Review includes a review of the BNP QPAMs' compliance with and effectiveness of the Policies and Training and of the following: Any compliance matter related to the Policies or Training that was identified by, or reported to, the Compliance Officer or others within the compliance and risk control function (or its equivalent) during the previous year; the most recent Audit Report issued pursuant to this exemption or PTE 2015–06; any material change in the relevant business activities of the BNP Affiliated QPAMs; and any change to ERISA, the Code, or regulations related to fiduciary duties and the prohibited transaction provisions that may be applicable to the activities of the BNP Affiliated QPAMs; . . .*''

The Applicant states that the term ''BNP QPAM'' is undefined and, to avoid confusion, should be modified to require ''a review of the BNP Affiliated QPAMs' compliance . . . .'' In addition, the Applicant notes that this provision requires the Compliance Officer's review to encompass ''the most recent Audit Report issued pursuant to this exemption or PTE 2015–06.'' Only one audit report is required under this exemption, and, by the terms of the exemption, the Compliance Officer's review must be completed before the audit report is to be completed. Therefore, the Applicant requests that the Compliance Officer not be required to review the audit report under this exemption but only the most recent audit report under PTE 2015–06.

The Department has modified the term ''BNP QPAM'' to ''BNP Affiliated QPAM.'' The Department also accepts the Applicant's request regarding the Compliance Officer. The Department concurs agrees that the Compliance Officer's review of the audit report under PTE 2015–06 is sufficient. Accordingly, the Department is revising this exemption to more explicitly state this requirement.

The Department also corrected certain cross-references in Section II(m)(2).

Comment 16—Section II(p)

Section II(p) of the proposed exemption provides that: ''*By November 29, 2018, each BNP Affiliated QPAM, in its agreements with, or in other written disclosures provided to Covered Plans, will clearly and prominently inform Covered Plan clients of their right to obtain a copy of the Policies or a description (Summary Policies) which accurately summarizes key components of the BNP Affiliated QPAM's written Policies developed in connection with this exemption. With respect to this requirement, the description may be continuously maintained on a website, provided that such website link to the Policies or Summary Policies is clearly*

and prominently disclosed to each Covered Plan.''

The Applicant requests that the Department clarify that, in the event Applicant meets this disclosure requirement through Summary Policies, changes to the Policies shall not result in the requirement for a new disclosure unless, as a result of changes to the Policies, the Summary Policies are no longer accurate. The Department agrees with this comment and has modified Section II(p) accordingly.

Comment 17—Section II(q)

Section II(q) of the proposed temporary exemption provides that: ''*[a] BNP Affiliated QPAM will not fail to meet the terms of this exemption, solely because a different BNP QPAM fails to satisfy a condition for relief described in Sections I(c), (d), (h), (i), (j), (k), (l), (n), or (p); . . .*''

The Applicant requests that the Department modify Section II(q) by replacing ''a different BNP QPAM'' with ''a different BNP *Affiliated* QPAM.'' The Department agrees with this comment and has modified Section II(q), accordingly. Additionally, the Department has re-designated the reference to ''Sections I(c), (d), (h), (i), (j), (k), (l), (n), or (p)'' found in Section II(q) as ''Sections II(c), (d), (h), (i), (j), (k), (l), (n), or (p).''

Comment 18—Section III(b)

Section III(b) of the proposed exemption defines the term ''BNP Affiliated QPAM'' to mean: ''*BNP Paribas Asset Management USA, Inc.; BNP Paribas Asset Management UK Limited; BNP Paribas Asset Management Singapore Limited; Bank of the West; First Hawaiian Bank; BancWest Investment Services, Inc.; and Bishop Street Capital Management Corp., to the extent these entities qualify as a 'qualified professional asset manager' (as defined in Section VI(a)*[5] *of PTE 84–14) and rely on the relief provided by PTE 84–14, and with respect to which BNP Paribas is an 'affiliate' (as defined in Part VI(d) of PTE 84–14). The term 'BNP Affiliated QPAM' excludes BNP Paribas USA, the entity implicated in the criminal conduct that is the subject of the 2018 Conviction, and BNP Paribas, the entity implicated in the 2015 Convictions.*''

The Applicant requests that the Department modify the definition of ''BNP Affiliated QPAM'' to mean, ''all current and future Affiliated QPAMs, including but not limited to the enumerated entities, and not including the entities expressly excluded.'' The Department agrees with this comment and has modified Section III(b) accordingly.

Comment 19—Section III(c)

Section III(c) of the proposed temporary exemption defines the term ''BNP Related Affiliated QPAM'' to mean, ''*any future 'qualified professional asset manager' (as defined in section VI(a) of PTE 84–14) that relies on the relief provided by PTE 84–14, and with respect to which BNP Paribas owns a direct or indirect five percent or more interest, but with respect to which BNP Paribas is not an 'affiliate' (as defined in Section VI(d)(1) of PTE 84–14).*''

The Applicant requests that the Department clarify that ''BNP Related QPAM'' means any ''current or future'' Related QPAM. The Department agrees with this comment and has modified Section III(c), accordingly.

Comment 20—Paragraph 13 of the Preamble

The Applicant notes that paragraph 13 of the proposed exemption's preamble provides that the exemption will terminate if there is another conviction or ''if any conditions of PTE 84–14 are not met.'' The Applicant seeks clarification that relief under this exemption will remain available for transactions that meet the terms of this exemption and of PTE 84–14, notwithstanding that a prior transaction (intended to be covered by this exemption) failed to meet the terms of this exemption.

The Department concurs with the Applicant's clarification. The relief herein does not extend to a particular transaction to the extent, with respect to such transaction, any condition in this exemption or in PTE 84–14 has not been met.

Other Comments

The Applicant seeks certain clarifications to the proposed exemption that the Department does not view as relevant to its determination of whether to grant this exemption. These requested clarifications may be found as part of the public record for Application No. D–11949, in a letter to the Department, dated March 27, 2018.

After giving full consideration to the record, the Department has decided to grant the exemption, as described above. The complete application file (Application No. D–11949) is available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, Room N–1515, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on March 22, 2018 at 83 FR 12596.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) In accordance with section 408(a) of ERISA and section 4975(c)(2) of the Code, the Department makes the following determinations: The exemption is administratively feasible, the exemption is in the interests of affected plans and of their participants and beneficiaries, and the exemption is protective of the rights of participants and beneficiaries of such plans;

(3) The exemption is supplemental to, and not in derogation of, any other provisions of ERISA, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The availability of this exemption is subject to the express condition that the material facts and representations contained in the application accurately describe all material terms of the transaction which is the subject of the exemption.

Accordingly, the following exemption is granted under the authority of section 408(a) of ERISA and section 4975(c)(2)

[5] In general terms, a QPAM is an independent fiduciary that is a bank, savings and loan association, insurance company, or investment adviser that meets certain equity or net worth requirements and other licensure requirements and that has acknowledged in a written management agreement that it is a fiduciary with respect to each plan that has retained the QPAM.

of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (76 FR 66637, 66644, October 27, 2011):

Exemption

Section I. Covered Transactions

Certain entities with specified relationships to BNP Paribas (hereinafter, the BNP Affiliated QPAMs and the BNP Related QPAMs, as defined in Sections III(b) and III(c), respectively) will not be precluded from relying on the exemptive relief provided by Prohibited Transaction Class Exemption 84–14 (PTE 84–14 or the QPAM Exemption),[6] notwithstanding the 2015 Convictions of BNP Paribas (as defined in Section III(d)(1)) and the 2018 Conviction of BNP Paribas USA, Inc. (as defined in Section III(d)(2)).[7]

Section II. Conditions

(a) The BNP Affiliated QPAMs and the BNP Related QPAMs (including their officers, directors, agents other than BNP Paribas and BNP Paribas USA, Inc. (BNP Paribas USA)), and employees of such QPAMs and any other party engaged on behalf of such QPAMs who had responsibility for, or exercised authority in connection with the management of plan assets did not know of, did not have reason to know of, or participate in: (1) The criminal conduct of BNP Paribas that is the subject of the 2015 Convictions; or (2) the criminal conduct of BNP Paribas USA that is the subject of the 2018 Conviction (hereinafter, collectively, the BNP Convictions). For purposes of this exemption, ''participate in'' refers not only to active participation in the misconduct underlying the BNP Convictions, but also to knowing approval of that misconduct, or knowledge of such misconduct without taking active steps to prohibit such conduct, such as reporting the conduct to supervisors, including the Board of Directors.'';

(b) The BNP Affiliated QPAMs and the BNP Related QPAMs (including their officers, directors, agents other than BNP Paribas and BNP Paribas USA, and employees of such QPAMs and any other parties engaged on behalf of such QPAMs) did not receive direct compensation, or knowingly receive indirect compensation, in connection with the criminal conduct that is the subject of the BNP Convictions (the BNP Misconduct);

(c) The BNP Affiliated QPAMs will not employ or knowingly engage any of the individuals that participated in the BNP Misconduct;

(d) At all times during the Exemption Period, no BNP Affiliated QPAM will use its authority or influence to direct an ''investment fund'' (as defined in Section VI(b) of PTE 84–14) that is subject to ERISA or the Code and managed by such BNP Affiliated QPAM with respect to one or more Covered Plans (as defined in Section III(f)) to enter into any transaction with BNP Paribas or BNP Paribas USA or to engage BNP Paribas or BNP Paribas USA to provide any service to such investment fund, for a direct or indirect fee borne by such investment fund, regardless of whether such transaction or service may otherwise be within the scope of relief provided by an administrative or statutory exemption;

(e) Any failure of the BNP Affiliated QPAMs or the BNP Related QPAMs to satisfy Section I(g) of PTE 84–14 arose solely from the BNP Convictions;

(f) A BNP Affiliated QPAM or a BNP Related QPAM did not exercise authority over the assets of any plan subject to Part 4 of Title I of ERISA (an ERISA-covered plan) or section 4975 of the Code (an IRA) in a manner that it knew or should have known would: Further the criminal conduct that is the subject of the BNP Convictions; or cause the BNP Affiliated QPAM, the BNP Related QPAM, or their affiliates to directly or indirectly profit from the criminal conduct that is the subject of the BNP Convictions;

(g) Other than with respect to employee benefit plans maintained or sponsored for its own employees or the employees of an affiliate, BNP Paribas and BNP Paribas USA will not act as fiduciaries within the meaning of section 3(21)(A)(i) or (iii) of ERISA, or section 4975(e)(3)(A) and (C) of the Code, with respect to ERISA-covered plan and IRA assets; provided, however, that BNP Paribas or BNP Paribas USA will not be treated as violating the conditions of this exemption solely because it acted as an investment advice fiduciary within the meaning of section 3(21)(A)(ii) of ERISA or section 4975(e)(3)(B) of the Code;

(h)(1) Each BNP Affiliated QPAM must continue to maintain, adjust (to the extent necessary), implement, and follow written policies and procedures (the Policies). The Policies must require, and must be reasonably designed to ensure that:

(i) The asset management decisions of the BNP Affiliated QPAM are conducted independently of the corporate management and business activities of BNP Paribas and BNP Paribas USA. This condition does not preclude a BNP Affiliated QPAM from receiving publicly available research and other widely available information from a BNP Paribas affiliate;

(ii) The BNP Affiliated QPAM fully complies with ERISA's fiduciary duties, and with ERISA and the Code's prohibited transaction provisions, in each case as applicable with respect to each Covered Plan, and does not knowingly participate in any violation of these duties and provisions with respect to Covered Plans;

(iii) The BNP Affiliated QPAM does not knowingly participate in any other person's violation of ERISA or the Code with respect to Covered Plans;

(iv) Any filings or statements made by the BNP Affiliated QPAM to regulators, including, but not limited to, the Department, the Department of the Treasury, the Department of Justice, and the Pension Benefit Guaranty Corporation, on behalf of or in relation to Covered Plans, are materially accurate and complete, to the best of such QPAM's knowledge at that time;

(v) To the best of the BNP Affiliated QPAM's knowledge at the time, the BNP Affiliated QPAM does not make material misrepresentations or omit material information in its communications with such regulators with respect to Covered Plans, or make material misrepresentations or omit material information in its communications with Covered Plans;

(vi) The BNP Affiliated QPAM complies with the terms of this exemption;

(2) Any violation of, or failure to comply with an item in subparagraphs ((h)(1)(ii) through (h)(1)(vi), is corrected as soon as reasonably possible upon discovery, or as soon after the QPAM reasonably should have known of the noncompliance (whichever is earlier), and any such violation or compliance failure not so corrected is reported, upon the discovery of such failure to so correct, in writing. Such report shall be made to the head of compliance and the General Counsel (or their functional equivalent) of the relevant BNP Affiliated QPAM that engaged in the violation or failure, and, the independent auditor responsible for reviewing compliance with the Policies, and a fiduciary of any affected Covered Plan where such fiduciary is independent of BNP Paribas.

[6] 49 FR 9494 (March 13, 1984), as corrected at 50 FR 41430, (October 10, 1985), as amended at 70 FR 49305 (August 23, 2005), and as amended at 75 FR 38837 (July 6, 2010), hereinafter referred to as ''PTE 84–14'' or the ''QPAM Exemption.''

[7] Section I(g) of PTE 84–14 generally provides that ''[n]either the QPAM nor any affiliate thereof . . . nor any owner . . . of a 5 percent or more interest in the QPAM is a person who within the 10 years immediately preceding the transaction has been either convicted or released from imprisonment, whichever is later, as a result of'' certain criminal activity therein described.

Notwithstanding the foregoing, with respect to any Covered Plan sponsored by an ''affiliate'' (as defined in Section VI(d) of PTE 84–14) of BNP Paribas or beneficially owned by an employee of BNP or its affiliates, such fiduciary does not need to be independent of BNP Paribas. A BNP Affiliated QPAM will not be treated as having failed to develop, implement, maintain, or follow the Policies, provided that it corrects any instance of noncompliance as soon as reasonably possible upon discovery, or as soon as reasonably possible after the QPAM reasonably should have known of the noncompliance (whichever is earlier), and provided that it adheres to the reporting requirements set forth in this subparagraph (vii);

(3) Each BNP Affiliated QPAM will maintain, adjust (to the extent necessary) and implement a program of training during the Exemption Period, to be conducted during the Exemption Period, for all relevant BNP Affiliated QPAM asset/portfolio management, trading, legal, compliance, and internal audit personnel. The Training must:

(i) At a minimum, cover the Policies, ERISA and Code compliance (including applicable fiduciary duties and the prohibited transaction provisions), ethical conduct, the consequences for not complying with the conditions of this exemption (including any loss of exemptive relief provided herein), and prompt reporting of wrongdoing; and

(ii) Be conducted by a professional who has been prudently selected and who has appropriate technical training and proficiency with ERISA and the Code;

(i)(1) Each BNP Affiliated QPAM submits to an audit conducted by an independent auditor, who has been prudently selected and who has appropriate technical training and proficiency with ERISA and the Code, to evaluate the adequacy of, and each BNP Affiliated QPAM's compliance with, the Policies and Training described herein. The audit requirement must be incorporated in the Policies. The audit must cover the Exemption Period and must be completed no later than six (6) months after the end of the Exemption Period. For time periods ending prior to the Conviction Date and covered by the audit required pursuant to PTE 2015–06,[8] the audit requirements in Section I(h) of PTE 2015–06 will remain in effect. The final audit under PTE 2015–06 covering the time period from October 15, 2017 until the Conviction Date must be completed within six (6) months of Conviction Date, and the corresponding certified Audit Report must be submitted to the Department no later than 30 days following the completion of such audit;[9]

(2) Within the scope of the audit and to the extent necessary for the auditor, in its sole opinion, to complete its audit and comply with the conditions for relief described herein, and only to the extent such disclosure is not prevented by state or federal statute, or involves communications subject to attorney client privilege, each BNP Affiliated QPAM and, if applicable, BNP Paribas, will grant the auditor unconditional access to its business, including, but not limited to: Its computer systems; business records; transactional data; workplace locations; training materials; and personnel. Such access is limited to information relevant to the auditor's objectives as specified by the terms of this exemption;

(3) The auditor's engagement must specifically require the auditor to determine whether each BNP Affiliated QPAM has developed, implemented, maintained, and followed the Policies in accordance with the conditions of this exemption, and has developed and implemented the Training, as required herein;

(4) The auditor's engagement must specifically require the auditor to test each BNP Affiliated QPAM's operational compliance with the Policies and Training. In this regard, the auditor must test, for each BNP Affiliated QPAM, a sample of such QPAM's transactions involving Covered Plans, sufficient in size and nature to afford the auditor a reasonable basis to determine such QPAM's operational compliance with the Policies and Training;

(5) For the audit, on or before the end of the relevant period described in Section II(i)(1) for completing the audit, the auditor must issue a written report (the Audit Report) to BNP Paribas and the BNP Affiliated QPAM to which the audit applies that describes the procedures performed by the auditor in connection with its examination. The auditor, at its discretion, may issue a single consolidated Audit Report that covers all the BNP Affiliated QPAMs. The Audit Report must include the auditor's specific determinations regarding:

(i) The adequacy of each BNP Affiliated QPAM's Policies and Training; each BNP Affiliated QPAM's compliance with the Policies and Training; the need, if any, to strengthen such Policies and Training; and any instance of the respective BNP Affiliated QPAM's noncompliance with the written Policies and Training described in Section II(h) above. The BNP Affiliated QPAM must promptly address any noncompliance. The BNP Affiliated QPAM must promptly address or prepare a written plan of action to address any determination as to the adequacy of the Policies and Training and the auditor's recommendations (if any) with respect to strengthening the Policies and Training of the respective BNP Affiliated QPAM. Any action taken or the plan of action to be taken by the respective BNP Affiliated QPAM must be included in an addendum to the Audit Report (such addendum must be completed prior to the certification described in Section II(i)(7) below). In the event such a plan of action to address the auditor's recommendation regarding the adequacy of the Policies and Training is not completed by the time of submission of the Audit Report, the following period's Audit Report must state whether the plan was satisfactorily completed. Any determination by the auditor that a BNP Affiliated QPAM has implemented, maintained, and followed sufficient Policies and Training must not be based solely or in substantial part on an absence of evidence indicating noncompliance. In this last regard, any finding that a BNP Affiliated QPAM has complied with the requirements under this subparagraph must be based on evidence that the particular BNP Affiliated QPAM has actually implemented, maintained, and followed the Policies and Training required by this exemption. Furthermore, the auditor must not solely rely on the Exemption Report created by the compliance officer (the Compliance Officer), as described in Section II(m) below, as the basis for the auditor's conclusions in lieu of independent determinations and testing performed by the auditor as required by Section II(i)(3) and (4) above; and

(ii) The adequacy of the Exemption Review described in Section II(m);

(6) The auditor must notify the BNP Affiliated QPAM of any instance of noncompliance identified by the auditor within five (5) business days after such noncompliance is identified by the auditor, regardless of whether the audit has been completed as of that date;

[8] 80 FR 20261 (April 15, 2015). PTE 2015–06 is an exemption in respect of Exemption Application D–11863 that permits BNP Affiliated QPAMs to rely on the exemptive relief provided by PTE 84–14, notwithstanding the 2015 Convictions.

[9] Pursuant to PTE 2015–06, the annual audit periods are from October 15th through October 14th of the following year. The audits are to be completed 6 (six) months after the end of the audit period and the Audit Report submitted to the Department within 30 days after completion. Accordingly, the last full twelve-month audit for the period October 15, 2016 through October 14, 2017 was submitted to the Department on April 30, 2018.

(7) With respect to the Audit Report, the General Counsel, or one of the three most senior executives of the line of business engaged in discretionary asset management activities through the BNP Affiliated QPAM with respect to which the Audit Report applies, must certify in writing, under penalties of perjury, that the officer has reviewed the Audit Report and this exemption; that such BNP Affiliated QPAM has addressed, corrected, and remedied any instance of noncompliance or inadequacy, or has an appropriate written plan to address any inadequacy regarding the Policies and Training identified in the Audit Report. Such certification must also include the signatory's determination, that the Policies and Training in effect at the time of signing are adequate to ensure compliance with the conditions of this exemption and with the applicable provisions of ERISA and the Code. Notwithstanding the above, a BNP Affiliated QPAM will not violate the condition solely because a Plan or IRA refuses to sign an updated investment management agreement;

(8) The Risk Committee of BNP Paribas's Board of Directors is provided a copy of the Audit Report; and a senior executive officer of BNP Paribas must review the Audit Report for each BNP Affiliated QPAM and must certify in writing, under penalty of perjury, that such officer has reviewed the Audit Report;

(9) Each BNP Affiliated QPAM provides its certified Audit Report, by regular mail to: Office of Exemption Determinations (OED), 200 Constitution Avenue NW, Suite 400, Washington, DC 20210; or by private carrier to: 122 C Street NW, Suite 400, Washington, DC 20001–2109. This delivery must take place no later than 30 days following completion of the Audit Report. The Audit Report will be made part of the public record regarding this exemption. Furthermore, each BNP Affiliated QPAM must make its Audit Report unconditionally available, electronically or otherwise, for examination upon request by any duly authorized employee or representative of the Department, other relevant regulators, and any fiduciary of a Covered Plan;

(10) Any engagement agreement with an auditor to perform the audit required under the terms of this exemption must be submitted to OED no later than two (2) months after the Conviction Date;

(11) The auditor must provide the Department, upon request, for inspection and review, access to all the work papers created and utilized in connection with the audit, provided such access and inspection is otherwise permitted by law; and

(12) BNP Paribas must notify the Department of a change in the independent auditor no later than two (2) months after the engagement of a substitute or subsequent auditor and must provide an explanation for the substitution or change including a description of any material disputes between the terminated auditor and BNP;

(j) As of the Conviction Date and throughout the Exemption Period, with respect to any arrangement, agreement, or contract between a BNP Affiliated QPAM and a Covered Plan, the BNP Affiliated QPAM agrees and warrants to Covered Plans:

(1) To comply with ERISA and the Code, as applicable with respect to such Covered Plan; to refrain from engaging in prohibited transactions that are not otherwise exempt (and to promptly correct any inadvertent prohibited transactions); and to comply with the standards of prudence and loyalty set forth in section 404 of ERISA with respect to each such ERISA-covered plan and IRA to the extent that section is applicable;

(2) To indemnify and hold harmless the Covered Plan for any actual losses resulting directly from: A BNP Affiliated QPAM's violation of ERISA's fiduciary duties, as applicable, and of the prohibited transaction provisions of ERISA and the Code, as applicable; a breach of contract by the QPAM; or any claim arising out of the failure of such BNP Affiliated QPAM to qualify for the exemptive relief provided by PTE 84–14 as a result of a violation of Section I(g) of PTE 84–14 other than the BNP Convictions. This condition applies only to actual losses caused by the BNP Affiliated QPAM's violations.

(3) Not to require (or otherwise cause) the Covered Plan to waive, limit, or qualify the liability of the BNP Affiliated QPAM for violating ERISA or the Code or engaging in prohibited transactions;

(4) Not to restrict the ability of such Covered Plan to terminate or withdraw from its arrangement, with the BNP Affiliated QPAM with respect to any investment in a separately managed account or pooled fund subject to ERISA and managed by such QPAM, with the exception of reasonable restrictions, appropriately disclosed in advance, that are specifically designed to ensure equitable treatment of all investors in a pooled fund in the event such withdrawal or termination may have adverse consequences for all other investors. In connection with any such arrangements involving investments in pooled funds subject to ERISA entered into after the initial effective date of this exemption, the adverse consequences must relate to of a lack of liquidity of the underlying assets, valuation issues, or regulatory reasons that prevent the fund from promptly redeeming an ERISA-covered plan's or IRA's investment, and such restrictions must be applicable to all such investors and effective no longer than reasonably necessary to avoid the adverse consequences;

(5) Not to impose any fees, penalties, or charges for such termination or withdrawal with the exception of reasonable fees, appropriately disclosed in advance, that are specifically designed to prevent generally recognized abusive investment practices or specifically designed to ensure equitable treatment of all investors in a pooled fund in the event such withdrawal or termination may have adverse consequences for all other investors, provided that such fees are applied consistently and in like manner to all such investors; and

(6) Not to include exculpatory provisions disclaiming or otherwise limiting liability of the BNP Affiliated QPAM for a violation of such agreement's terms. To the extent consistent with Section 410 of ERISA, however, this provision does not prohibit disclaimers for liability caused by an error, misrepresentation, or misconduct of a plan fiduciary or other party hired by the plan fiduciary who is independent of BNP and its affiliates, or damages arising from acts outside the control of the BNP Affiliated QPAM;

(7) By six months from the Conviction Date, each BNP Affiliated QPAM must provide a notice of its obligations under this Section II(j) to each Covered Plan. For prospective Covered Plans that enter into a written asset or investment management agreement with a BNP Affiliated QPAM on or six months after the Conviction Date, the BNP Affiliated QPAM will agree to its obligations under this Section II(j) in an updated investment management agreement between the BNP Affiliated QPAM and such clients or other written contractual agreement. Notwithstanding the above, a BNP Affiliated QPAM will not violate the condition solely because a Plan or IRA refuses to sign an updated investment management agreement.

(k) By 60 days after the Conviction Date, each BNP Affiliated QPAM will provide a notice of the exemption, along with a separate summary describing the facts that led to the Convictions (the Summary), which have been submitted to the Department, and a prominently displayed statement (the Statement) (collectively, Initial Notice) that the BNP Convictions result in a failure to

meet a condition in PTE 84–14, to each sponsor and beneficial owner of a Covered Plan, or the sponsor of an investment fund in any case where a BNP Affiliated QPAM acts as a sub-advisor to the investment fund in which such ERISA-covered plan and IRA invests, and to each entity that may be a BNP Related QPAM. Effective as of the date that is 60 days after the Conviction Date, all Covered Plan clients that enter into a written asset or investment management agreement with a BNP Affiliated QPAM after that date must receive a copy of the exemption, the Summary, and the Statement prior to, or contemporaneously with, the Covered Plan's receipt of a written asset management agreement from the BNP Affiliated QPAM. Disclosures may be delivered electronically;

(l) The BNP Affiliated QPAMs must comply with each condition of PTE 84–14, as amended, with the sole exception of the violations of Section I(g) of PTE 84–14 that are attributable to the BNP Convictions;

(m)(1) By six months from the Conviction Date, BNP Paribas designates a senior compliance officer (the Compliance Officer) who will be responsible for compliance with the Policies and Training requirements described herein. The Compliance Officer must conduct a review for the Exemption Period (the Exemption Review), to determine the adequacy and effectiveness of the implementation of the Policies and Training. With respect to the Compliance Officer, the following conditions must be met:

(i) The Compliance Officer must be a professional who has extensive experience with, and knowledge of, the regulation of financial services and products, including under ERISA and the Code; and

(ii) The Compliance Officer must have a direct reporting line to the highest-ranking corporate officer in charge of compliance for asset management;

(2) With respect to the Exemption Review, the following conditions must be met:

(i) The Exemption Review includes a review of the BNP Affiliated QPAMs' compliance with and effectiveness of the Policies and Training and of the following: Any compliance matter related to the Policies or Training that was identified by, or reported to, the Compliance Officer or others within the compliance and risk control function (or its equivalent) during the previous year; the most recent Audit Report under PTE 2015–06; any material change in the relevant business activities of the BNP Affiliated QPAMs; and any change to ERISA, the Code, or regulations related to fiduciary duties and the prohibited transaction provisions that may be applicable to the activities of the BNP Affiliated QPAMs;

(ii) The Compliance Officer prepares a written report for the Exemption Review (an Exemption Report) that (A) summarizes his or her material activities during the Exemption Period; (B) sets forth any instance of noncompliance discovered during the Exemption Period, and any related corrective action; (C) details any change to the Policies or Training to guard against any similar instance of noncompliance occurring again; and (D) makes recommendations, as necessary, for additional training, procedures, monitoring, or additional and/or changed processes or systems, and management's actions on such recommendations;

(iii) In the Exemption Report, the Compliance Officer must certify in writing that to his or her knowledge: (A) The report is accurate; (B) the Policies and Training are working in a manner which is reasonably designed to ensure that the Policies and Training requirements described herein are met; (C) any known instance of noncompliance during the Exemption Period and any related correction taken to date have been identified in the Exemption Report; and (D) the BNP Affiliated QPAMs have complied with the Policies and Training, and/or corrected (or are correcting) any instances of noncompliance in accordance with Section II(h) above;

(iv) The Exemption Report must be provided to appropriate corporate officers of BNP Paribas and each BNP Affiliated QPAM to which such report relates, and to the head of compliance and the General Counsel (or their functional equivalent) of the relevant BNP Affiliated QPAM; and the report must be made unconditionally available to the independent auditor described in Section II(i) above;

(v) Each Exemption Review, including the Compliance Officer's written Exemption Report, must be completed within three (3) months following the end of the period to which it relates;

(n) Each BNP Affiliated QPAM will maintain records necessary to demonstrate that the conditions of this exemption have been met, for six (6) years following the date of any transaction for which such BNP Affiliated QPAM relies upon the relief in the exemption;

(o) During the Exemption Period, BNP Paribas must: (1) Immediately discloses to the Department any Deferred Prosecution Agreement (a DPA) or Non-Prosecution Agreement (an NPA) with the U.S. Department of Justice, entered into by BNP Paribas or any of its affiliates (as defined in Section VI(d) of PTE 84–14) in connection with conduct described in Section I(g) of PTE 84–14 or section 411 of ERISA; and (2) immediately provide the Department any information requested by the Department, as permitted by law, regarding the agreement and/or conduct and allegations that led to the agreement;

(p) By six months from the Conviction Date, each BNP Affiliated QPAM, in its agreements with, or in other written disclosures provided to Covered Plans, will clearly and prominently inform Covered Plan clients of their right to obtain a copy of the Policies or a description (Summary Policies) which accurately summarizes key components of the BNP Affiliated QPAM's written Policies developed in connection with this exemption. If the Policies are thereafter changed, each Covered Plan client must receive a new disclosure within six (6) months following the end of the calendar year during which the Policies were changed.[10] With respect to this requirement, the description may be continuously maintained on a website, provided that such website link to the Policies or Summary Policies is clearly and prominently disclosed to each Covered Plan; and

(q) A BNP Affiliated QPAM will not fail to meet the terms of this exemption, solely because a different BNP Affiliated QPAM fails to satisfy a condition for relief described in Sections II(c), (d), (h), (i), (j), (k), (l), (n), or (p); or if the independent auditor described in Section II(i) fails a provision of the exemption other than the requirement described in Section II(i)(11), provided that such failure did not result from any actions or inactions of BNP Paribas or its affiliates.

Section III. Definitions

(a)(1) The term ''BNP Paribas'' means BNP Paribas, S.A., the parent entity, and its subsidiary, BNP Paribas Securities Corp., but does not include any other subsidiaries or other affiliates.

(2) The term ''BNP Paribas USA'' means BNP Paribas USA, Inc., and includes its New York branch;

(b) The term ''BNP Affiliated QPAM'' means all current and future affiliated QPAMs including, but not limited to the following enumerated entities, and not including the entities expressly

[10] In the event the Applicant meets this disclosure requirement through Summary Policies, changes to the Policies shall not result in the requirement for a new disclosure unless, as a result of changes to the Policies, the Summary Policies are no longer accurate.

excluded: BNP Paribas Asset Management USA, Inc.; BNP Paribas Asset Management UK Limited; BNP Paribas Asset Management Singapore Limited; Bank of the West; First Hawaiian Bank; BancWest Investment Services, Inc.; and Bishop Street Capital Management Corp., to the extent these entities qualify as a ''qualified professional asset manager'' (as defined in Section VI(a) [11] of PTE 84–14) and rely on the relief provided by PTE 84–14, and with respect to which BNP Paribas is an ''affiliate'' (as defined in Part VI(d) of PTE 84–14). The term ''BNP Affiliated QPAM'' excludes BNP Paribas USA, the entity implicated in the criminal conduct that is the subject of the 2018 Conviction, and BNP Paribas, the entity implicated in the 2015 Convictions.

(c) The term ''BNP Related QPAM'' means any current or future ''qualified professional asset manager'' (as defined in section VI(a) of PTE 84–14) that relies on the relief provided by PTE 84–14, and with respect to which BNP Paribas owns a direct or indirect five percent or more interest, but with respect to which BNP Paribas is not an ''affiliate'' (as defined in Section VI(d)(1) of PTE 84–14).

(d) The term ''BNP Convictions'' mean the 2015 Convictions against BNP Paribas and the 2018 Conviction against BNP Paribas USA. More specifically:

(1) The ''2015 Convictions'' refers to the judgments of conviction against BNP Paribas in: (A) Case number 14–cr–00460 (LGS) in the United States District Court for the Southern District of New York for conspiracy to commit an offense against the United States in violation of Title 18, United States Code, Section 371, by conspiring to violate the International Emergency Economic Powers Act, codified at Title 50, United States Code, Section 1701 *et seq.,* and regulations issued thereunder, and the Trading with the Enemy Act, codified at Title 50, United States Code Appendix, Section 1 *et seq.,* and regulations issued thereunder; and (B) case number 2014 NY 051231 in the Supreme Court of the State of New York, County of New York for falsifying business records in the first degree, in violation of Penal Law § 175.10, and conspiracy in the fifth degree, in violation of Penal Law § 105.05(1).

(2) The term ''2018 Conviction'' refers to the judgment of conviction against BNP Paribas USA for violation of the Sherman Antitrust Act, 15 U.S.C. 1, which is scheduled to be entered in the United States District Court for the Southern District of New York (the District Court) (case number 1:18–cr–61–JSR, in connection with BNP Paribas USA for certain foreign exchange misconduct (the FX Misconduct).

(e) The term ''Conviction Date'' means the date that a judgment of conviction against BNP Paribas USA is entered by the District Court in connection with the 2018 Conviction;

(f) The term ''Covered Plan'' means a plan subject to Part 4 of Title I of ERISA (an ''ERISA-covered plan'') or a plan subject to section 4975 of the Code (an ''IRA''), in each case, with respect to which a BNP Affiliated QPAM relies on PTE 84–14, or with respect to which a BNP Affiliated QPAM (or any BNP Paribas affiliate) has expressly represented that the manager qualifies as a QPAM or relies on the QPAM class exemption (PTE 84–14). A Covered Plan does not include an ERISA-covered plan or IRA to the extent the BNP Affiliated QPAM has expressly disclaimed reliance on QPAM status or PTE 84–14 in entering into a contract, arrangement, or agreement with the ERISA-covered plan or IRA.

(g) The term ''Exemption Period'' means one year from the Conviction Date.

(h) The term ''Plea Agreement'' means the agreement that was entered into on January 19, 2018, as between BNP Paribas USA and the United States Department of Justice, and filed in the District Court, involving the FX Misconduct.

Effective Date: This exemption is effective for one year from the Conviction Date.

Signed at Washington, DC, this 23rd day of May, 2018.

Lyssa Hall,

Director of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 2018–11473 Filed 5–29–18; 8:45 am]

BILLING CODE 4510–29–P

[11] In general terms, a QPAM is an independent fiduciary that is a bank, savings and loan association, insurance company, or investment adviser that meets certain equity or net worth requirements and other licensure requirements and that has acknowledged in a written management agreement that it is a fiduciary with respect to each plan that has retained the QPAM.

NUCLEAR REGULATORY COMMISSION

[NRC–2016–0119]

Early Site Permit Application; Tennessee Valley Authority; Clinch River Nuclear Site; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft environmental impact statement; public meetings and request for comment; correction.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is correcting a notice that was published in the **Federal Register** (FR) on April 26, 2018, regarding the issuance of a draft environmental impact statement (DEIS) that is part of the review of the application for the early site permit, and to provide the public with an opportunity to comment on the DEIS process as defined in the regulations. This action is necessary to correct the end date of the comment period from July 10, 2018 to July 13, 2018.

DATES: The document published at 83 FR 18354 on April 26, 2018, is corrected as of May 30, 2018.

FOR FURTHER INFORMATION CONTACT: Tamsen Dozier, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2272, email: *Tamsen.Dozier@nrc.gov.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 26, 2018 (83 FR 18354), in FR Doc. 2018–08714, on page 18355, in the first column, in the **DATES** section, correct the comment period due date from ''July 10, 2018'' to ''July 13, 2018.''

Dated at Rockville, Maryland, this 24th day of May, 2018.

For the Nuclear Regulatory Commission.

Andrew C. Campbell,

Acting Director, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2018–11550 Filed 5–29–18; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83310; File No. SR–BOX–2018–16]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule on the BOX Market LLC (''BOX'') Options Facility To Amend SAIL Port Fees

May 23, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 11, 2018, BOX Options Exchange LLC (the ''Exchange'') filed with the Securities and Exchange Commission

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

(''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act,[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend the Fee Schedule to on [sic] the BOX Market LLC (''BOX'') options facility. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's internet website at *http://boxexchange.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Section VI.B (Port Fees) of the BOX Fee Schedule. Specifically, the Exchange proposes to amend the SOLA® Access Information Language (''SAIL'') Port Fees on the Exchange. Currently, Market Makers are assessed a monthly fee of $1,000 for all Ports. The Exchange proposes to rename the ''Market Maker'' Port to ''Market Making'' Port. The Exchange notes that the monthly $1000 flat fee will remain for all Market Making Ports[5] on the Exchange. Additionally, the Exchange proposes to rename ''Other Participants'' to ''Order Entry.'' With this change, all SAIL Ports used solely for order entry purposes will be charged $500 per month per Port for Ports 1–5 and $150 per month per additional Port, regardless of account type.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act, in general, and Section 6(b)(4) and 6(b)(5)of the Act,[6] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among BOX Participants and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed changes are reasonable, equitable and not unfairly discriminatory. The Exchange recently established Port Fees for Participants. BOX Market Makers currently connect to a minimum of sixteen (16) SAIL Ports and pay a flat monthly fee for these connections.[7] The Exchange now proposes to clarify that the current flat fee of $1,000 per month is for Ports used for market making purposes (*i.e.* quoting) only. As discussed above, the number of SAIL Port connections for market making purposes vary based on the Market Maker. The Exchange recognizes that the various BOX Market Makers may not need the same number of SAIL Port connections due to different technology architecture and trading systems. As such, the Exchange proposes the current flat fee of $1,000 for all Marketing Making SAIL Ports as to not disincentivize Market Makers from quoting on BOX.

Further, the Exchange proposes to rename the ''Other Participants'' Port to ''Order Entry'' Port. The Exchange believes that this change provides clarity with respect to the types of SAIL Ports in use. With this change, all Participants will be charged $500 per month per Port for Ports 1–5 and $150 per month per additional Port. The Exchange believes that this proposed change is equitable and not unfairly discriminatory as the Order Entry Port fees are assessed to all Participants that use SAIL for order entry on BOX, regardless of account type. Lastly, the Exchange believes that the proposed change is reasonable and appropriate as other exchanges in the industry assess market making port fees separate from order entry port fees.[8]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Unilateral action by BOX in establishing fees for services provided to its Participants and others using its facilities will not have an impact on competition. As a small Exchange in the already highly competitive environment for options trading, BOX does not have the market power necessary to set prices for services that are unreasonable or unfairly discriminatory in violation of the Exchange Act. BOX's proposed fees, as described herein, are comparable to and generally lower than fees charged by other options exchanges for the same or similar services. Lastly, the Exchange believes the proposed change will not impose a burden on intramarket competition as the proposed fees are applicable to all Participants who connect to BOX.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Exchange Act[9] and

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] While Market Makers on BOX currently connect to at least 16 SAIL Market Making Ports to satisfy their quoting requirements, the Exchange notes that the total number of SAIL Market Making Ports used varies based on the Market Maker. The Exchange believes that charging a flat fee for all market making Ports is reasonable and appropriate as the Exchange does not want to disincentivize Market Makers from quoting on BOX, regardless of how many Market Making Ports the Market Makers use.

[6] 15 U.S.C. 78f(b)(4) and (5).

[7] *See* SR–BOX–2018–15.

[8] *See* Miami International Securities Exchange LLC (''MIAX'') Fee Schedule. MIAX charges its Market Makers monthly MEI Port Fees based on Market Maker Class Assignment. Additionally, they assess all Members (Market Makers included) FIX Port fees which allows such Members to enter orders on the exchange. Members are assessed $550 per month for the 1st FIX Port, $350 per month per Port for FIX Ports 2 through 5 and $150 per month per Port for additional FIX Ports over 5. *See also* Nasdaq Options Market (''NOM'') Fee Schedule. NOM also charges its Market Makers monthly Quote Port Fees based on number of Ports. They also assess an Order Entry Port Fee of $650 per month per mnemonic that Market Makers may also use if entering orders on the Exchange. BOX notes that the SAIL Port is slightly different than the above ports, as both Market Makers and other BOX Participants may connect through the SAIL Port to enter orders on the Exchange.

[9] 15 U.S.C. 78s(b)(3)(A)(ii).

Rule 19b–4(f)(2) thereunder,[10] because it establishes or changes a due, or fee.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BOX–2018–16 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street, NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–BOX–2018–16. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street, NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BOX–2018–16, and should be submitted on or before June 20, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Brent J. Fields,

Secretary.

[FR Doc. 2018–11500 Filed 5–29–18; 8:45 am]

BILLING CODE 8011–01–P

[10] 17 CFR 240.19b–4(f)(2).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 3:00 p.m. on Thursday, May 31, 2018.

PLACE: Closed Commission Hearing Room 10800.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Peirce, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matters of the closed meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Brent J. Fields from the Office of the Secretary at (202) 551–5400.

Dated: May 24, 2018.

Brent J. Fields,

Secretary.

[FR Doc. 2018–11630 Filed 5–25–18; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83311; File No. SR–ICEEU–2018–007]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Amendments to the Clearing Rules To Implement the European Union General Data Protection Regulation

May 23, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 22, 2018, ICE Clear Europe Limited (''ICE Clear Europe'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule changes described in Items I and II below, which Items have been prepared by ICE Clear Europe. ICE Clear Europe filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] so that the proposal was immediately effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change, Security-Based Swap Submission, or Advance Notice

ICE Clear Europe proposes to make certain amendments to its Clearing Rules (the ''Rules'') to comply with certain requirements of the European Union General Data Protection Regulation (''GDPR'')[5].

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change, Security-Based Swap Submission or Advance Notice

In its filing with the Commission, ICE Clear Europe included statements

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.

concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. ICE Clear Europe has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change, Security-Based Swap Submission or Advance Notice

(a) Purpose

The purpose of the proposed change is to amend the Rules [6] to clarify the operation of certain provisions in light of requirements under the GDPR relating to personal data in the context of Clearing House activity. The GDPR takes effect on May 25, 2018.

Consistent with the GDPR, the amendments reflect that the Clearing House's policies on use of personal data will now primarily be stated in a privacy notice made available to Clearing Members and other market participants, and accordingly certain existing provisions in the Rules relating to personal data will be removed or modified, as discussed herein. Specifically, ICE Clear Europe is amending Rule 106, which sets out certain of its rights and obligations with respect to such personal data. Rule 106(c), which imposes certain requirements on Clearing Members and Sponsored Principals relating to ''Personal Data'' (as defined in the GDPR) [7], is proposed to be updated to provide that such persons must ensure that they have a lawful basis for processing any Personal Data that they provide to the Clearing House. The provisions of subsections (d) and (e) have been removed (with the following subsections redesignated), as the relevant provisions describing the rights of the Clearing House to use Personal Data and the rights of Personal Data subjects will now be set out in a member/user privacy notice. Rule 106(d) (as redesignated) has been revised to update references to defined terms used in the GDPR. Rule 106(e) (as redesignated) has been amended to provide an acknowledgement that recording of telephone conversations with the Clearing House will take place to the extent permitted or required under applicable law (including the GDPR), removes references to consent (as other lawful bases apply to this processing) and makes certain other drafting clarifications.

(b) Statutory Basis

ICE Clear Europe believes that the proposed amendments are consistent with the requirements of Section 17A of the Act [8] and the regulations thereunder applicable to it, including the standards under Rule 17Ad–22.[9] In particular, Section 17A(b)(3)(F) of the Act [10] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, the safeguarding of securities and funds in the custody or control of the clearing agency or for which it is responsible, and the protection of investors and the public interest. The amendments clarify certain rights and obligations of the Clearing House, Clearing Members and Sponsored Principals with respect to Personal Data obtained in connection with clearing activity in light of updated legal requirements under the GDPR. As such the amendments are consistent with the protection of investors and the public interest.

Moreover, the amendments are consistent with Rule 17Ad–22(e)(1),[11] which requires that each covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to provide for a well-founded, clear, transparent, and enforceable legal basis for each aspect of its activities in all relevant jurisdictions. As discussed herein, the amendments are designed to facilitate compliance by ICE Clear Europe and its Clearing Members and Sponsored Principals with the GDPR, and thereby facilitate continued clearing in Europe in accordance with the new EU regulations relating to data protection. ICE Clear Europe does not expect that ensuring that all Personal Data is provided and processed in a manner consistent with data privacy regulations under the GDPR will adversely impact its ability to comply with the Act or any standards under Rule 17Ad–22.[12]

(B) Clearing Agency's Statement on Burden on Competition

ICE Clear Europe does not believe the proposed amendments would have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purposes of the Act. The amendments are being adopted to comply with European Union requirements applicable to Personal Data under the GDPR. Although the amendments could impose certain additional costs on Clearing Members and Sponsored Principals, these result from the requirements imposed by the GDPR, and are generally applicable throughout the European Union. Accordingly, the amendments would apply to all Clearing Members and Sponsored Principals. ICE Clear Europe also does not believe the amendments would adversely affect competition among clearing members, the market for clearing services generally or access to clearing in cleared products by clearing members or other market participants.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed amendments have not been solicited or received by ICE Clear Europe. ICE Clear Europe will notify the Commission of any comments received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change, Security-Based Swap Submission and Advance Notice and Timing for Commission Action

Because the foregoing proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, provided that the self-regulatory organization has given the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change or such shorter time as designated by the Commission,[13] the proposed rule

[6] Capitalized terms used but not defined herein have the meanings specified in the Rules.

[7] In general, ''Personal Data'' is defined for this purpose in the GDPR as information relating to a natural person (referred to as a ''Data Subject'') that would identify that person, in particular by reference to an identifier such as a name, identification number, location data, online identifier or one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social entity of that person.

[8] 15 U.S.C. 78q–1.

[9] 17 CFR 240.17Ad–22.

[10] 15 U.S.C. 78q–1(b)(3)(F).

[11] 17 CFR 240.17Ad–22(e)(1).

[12] 17 CFR 240.17Ad–22.

[13] ICE Clear Europe has satisfied this requirement.

change has become effective pursuant to Section 19(b)(3)(A) of the Act [14] and Rule 19b–4(f)(6) [15] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [16] normally does not become operative prior to 30 days after the date of its filing. However, pursuant to Rule 19b–4(f)(6)(iii),[17] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. ICE Clear Europe has requested that the Commission waive the five-day pre-filing requirement and the 30-day operative delay so that ICE Clear Europe may implement the proposed rule change by the effective date of the GDPR (May 25, 2018). The Commission notes that the proposed rule change is limited to clarifying certain requirements in the Rules relating to the treatment of Personal Data obtained in connection with clearing activity and clarifying certain rights and obligations of the Clearing House, Clearing Members and Sponsored Principals with respect to Personal Data obtained in connection with clearing activity in light of updated legal requirements under the GDPR. The proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) effect the safeguarding of funds or securities in the custody or control of ICE Clear Europe or for which it is responsible. Waiver of the 30-day operative delay would allow ICE Clear Europe to implement the proposed rule change prior to the effective date of the GDPR and therefore comply with EU law. Therefore, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest and designates the proposed rule change as operative upon filing.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, security-based swap submission or advance notice is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*) or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ICEEU–2018–007 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–ICEEU–2018–007. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change, security-based swap submission or advance notice that are filed with the Commission, and all written communications relating to the proposed rule change, security-based swap submission or advance notice between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's website at *https://www.theice.com/notices/Notices.shtml?regulatoryFilings.*

All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ICEEU–2018–007 and should be submitted on or before June 20, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Brent J. Fields,

Secretary.

[FR Doc. 2018–11501 Filed 5–29–18; 8:45 am]

BILLING CODE 8011–01–P

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] For purposes only of waiving the five-day pre-filing requirement and the 30-day operative delay, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33–10499; 34–83308; File No. 265–28]

Investor Advisory Committee Meeting

AGENCY: Securities and Exchange Commission.

ACTION: Notice of meeting of Securities and Exchange Commission Dodd-Frank Investor Advisory Committee.

SUMMARY: The Securities and Exchange Commission Investor Advisory Committee, established pursuant to Section 911 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, is providing notice that it will hold a public meeting in Atlanta, GA. The public is invited to submit written statements to the Committee.

DATES: The meeting will be held on Thursday, June 14, 2018 from 8:30 a.m. until 2:15 p.m. (ET). Written statements should be received on or before June 14, 2018.

ADDRESSES: The meeting will be held in the Knowles Conference Center at Georgia State University College of Law, 85 Park Place Northeast, Atlanta, GA 30303. The meeting will be webcast on the Commission's website at *www.sec.gov.* Written statements may be submitted by any of the following methods:

Electronic Statements

- Use the Commission's internet submission form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email message to *rules-comments@sec.gov.* Please include File No. 265–28 on the subject line; or

Paper Statements

- Send paper statements to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File No. 265–28. This file number should be included on the subject line if email is used. To help us process and review

your statement more efficiently, please use only one method.

Statements also will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Room 1503, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. All statements received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Marc Oorloff Sharma, Chief Counsel, Office of the Investor Advocate, at (202) 551–3302, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public, except during that portion of the meeting reserved for an administrative work session during lunch. Persons needing special accommodations to take part because of a disability should notify the contact person listed in the section above entitled **FOR FURTHER INFORMATION CONTACT**.

The agenda for the meeting includes: Remarks from Commissioners; a discussion of the Commission's Proposed Regulation Best Interest and the proposed restriction on the use of certain names or titles; a discussion regarding the Commission's Proposed Form CRS Relationship Summary, including effective disclosure and design; a discussion regarding disclosure enhancements for municipal and corporate bonds (which may include a recommendation of the Market Structure Subcommittee); subcommittee reports; and a nonpublic administrative work session.

Dated: May 23, 2018.

Brent J. Fields,

Secretary.

[FR Doc. 2018–11496 Filed 5–29–18; 8:45 am]

BILLING CODE 8011–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 55 (Sub-No. 779X)]

CSX Transportation, Inc.—Abandonment Exemption—in Trumbull County, Ohio

CSX Transportation (CSXT) has filed a verified notice of exemption under 49 CFR pt. 1152 subpart F–*Exempt Abandonments* to abandon approximately 13.9 miles of rail line on its Newton Falls Subdivision, between milepost BGA 86.1 and milepost BGA 100.00, in Trumbull County, Ohio (the Line). The Line traverses United States Postal Service Zip Codes 44430, 44444, 44446, 44483, 44484, and 44485 and serves the stations of Niles (FSAC 71412/SPLC 344191), Deforest, Warren (FSAC 71414/SPLC 344150), Leavittburg, and Newton Falls (FSAC 71417/SPLC 359883). CSXT states that these stations can be closed.

CSXT has certified that: (1) No local traffic has moved over the Line for at least two years; (2) any overhead traffic on the Line can be rerouted; (3) no formal complaint filed by a user of a rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or any U.S. District Court or has been decided in favor of a complainant within the two-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication), 49 CFR 1152.50(d)(1) (notice to governmental agencies), and 49 CFR 1105.7 and 1105.8 (environment and historic report), have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) [1] has been received, this exemption will be effective on June 29, 2018, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and interim trail use/rail banking requests under 49 CFR 1152.29 must be filed by June 11, 2018. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by June 19, 2018, with the Surface Transportation Board, 395 E Street, SW, Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to CSXT's representative, Louis Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

If the verified notice contains false or misleading information, the exemption is void ab initio.

CSXT has filed a combined environmental and historic report that addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by June 4, 2018. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling OEA at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Information Relay Service at (800) 877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), CSXT shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by CSXT's filing of a notice of consummation by May 30, 2019, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at *WWW.STB.GOV.*

Decided: May 22, 2018.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Raina Contee,

Clearance Clerk.

[FR Doc. 2018–11551 Filed 5–29–18; 8:45 am]

BILLING CODE 4915–01–P

[1] The Board modified its OFA procedures effective July 29, 2017. Among other things, the OFA process now requires potential offerors, in their formal expression of intent, to make a preliminary financial responsibility showing based on a calculation using information contained in the carrier's filing and publicly available information. *See Offers of Financial Assistance,* EP 729 (STB served June 29, 2017); 82 FR 30,997 (July 5, 2017).

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Serv. Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] Each OFA must be accompanied by the filing fee, which currently is set at $1,800. *See* 49 CFR 1002.2(f)(25).

TENNESSEE VALLEY AUTHORITY

Meeting of the Regional Energy Resource Council

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Notice of meeting.

SUMMARY: The TVA Regional Energy Resource Council (RERC) will hold a meeting on Thursday, June 14, 2018, to discuss the focus areas that TVA has identified for preparing the 2019 Integrated Resource Plan.

The RERC was established to advise TVA on its energy resource activities and the priority to be placed among competing objectives and values. Notice of this meeting is given under the Federal Advisory Committee Act (FACA).

DATES: The public meeting will be held on Thursday, June 14, 2018, from 8:30 a.m. to 3:30 p.m., EDT.

ADDRESSES: The meeting will be held at The Chattanoogan Hotel, 1201 Broad Street, Chattanooga, Tennessee 37402, and will be open to the public. Anyone needing special access or accommodations should let the contact below know at least a week in advance.

FOR FURTHER INFORMATION CONTACT: Barbie Perdue, 865–632–6113, *baperdue@tva.gov.*

SUPPLEMENTARY INFORMATION: The meeting agenda includes the following:

1. Introductions
2. TVA Update on Key Issues and Projects
3. Overview of the 2019 Integrated Resource Plan (IRP) and Supplemental Environmental Impact Statement
4. Overview of the Focus Areas for the 2019 IRP
5. Overview of Public Engagement Plans for the 2019 IRP
6. Public Comments
7. Council Discussion and Advice

The RERC will hear opinions and views of citizens by providing a public comment session starting at 1:00 p.m., EDT, lasting up to one hour, on Thursday, June 14, 2018. Persons wishing to speak are requested to register at the door between 11:00 a.m. and 12:30 p.m., EDT, on Thursday, June 14, 2018, and will be called on during the public comment period. TVA will set time limits for registered persons to provide oral comments. Handout materials should be limited to one printed page. Written comments are also invited and may be mailed to the Regional Energy Resource Council, Tennessee Valley Authority, 400 West Summit Hill Drive, WT–9–D, Knoxville, Tennessee 37902.

Dated: May 23, 2018.

Joseph J. Hoagland,

Vice President, Enterprise Relations and Innovation, Tennessee Valley Authority.

[FR Doc. 2018–11519 Filed 5–29–18; 8:45 am]

BILLING CODE 8120–08–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Numbers USTR–2017–0014, USTR–2018–0006, USTR–2018–0007, USTR–2018–0008, and USTR–2018–0012]

Generalized System of Preferences (GSP): Notice Regarding the 2018 GSP Annual Product Review and Initiation of Country Practice Review of Thailand

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of hearing and requests to testify and public comments.

SUMMARY: The Office of the United States Trade Representative (USTR) is providing notice that petitions submitted in connection with the 2018 GSP Annual Product Review have been accepted for further review. This notice includes the schedule for submission of public comments and the dates of a public hearing conducted by the GSP Subcommittee of the Trade Policy Staff Committee (TPSC) associated with the review of these petitions and products. In addition, USTR is announcing the initiation of a country practice review of Thailand's GSP eligibility based on the statutory market access criterion.

DATES:

A. GSP Annual Product Review Dates

July 3, 2018 at midnight EDT: Deadline for submission of comments, pre-hearing briefs, and requests to appear at the July 18th public hearing on the 2018 GSP Annual Product Review.

July 18, 2018 at 10 a.m. EDT: The GSP Subcommittee will convene a public hearing on all petitioned product additions, product removals, and competitive needs limitation (CNL) waiver petitions that were accepted for the 2018 GSP Annual Product Review. The hearing will be held in Rooms 1 and 2, 1724 F Street NW, Washington, DC 20508, beginning at 10:00 a.m.

August 8, 2018 at midnight EDT: Deadline for submission of post-hearing comments or briefs in connection with the GSP Subcommittee public hearing.

September 7, 2018: The U.S. International Trade Commission (USITC) is expected to provide its report to USTR providing advice on the probable economic effects of adding products to GSP eligibility, removing products from GSP eligibility, and granting CNL waiver petitions during the 2018 GSP Annual Product Review. Comments from interested parties on the USITC report should be posted on *www.regulations.gov* using Docket Number USTR–2017–0014 (instructions for submissions are provided below). Comments are due ten calendar days after the publication date of the USITC's public report.

November 1, 2018: Effective date for any modifications that the President proclaims to the list of articles eligible for duty-free treatment under GSP resulting from the 2018 Annual Product Review and for determinations related to CNL waivers.

B. Thailand Country Practice Review Dates

June 12, 2018 at midnight EDT: Deadline for submission of comments, pre-hearing briefs, and requests with respect to Thailand to appear at the June 19th public hearing on the GSP country practice reviews. The **Federal Register** notice of April 27, 2018 (83 FR 18618) specifies the relevant deadlines and procedures for India, Indonesia, and Kazakhstan.

June 19, 2018: The GSP Subcommittee will convene a public hearing on the GSP country practice reviews of India, Indonesia, Kazakhstan, and Thailand in Rooms 1 and 2, 1724 F Street NW, Washington, DC 20508, beginning at 10:00 a.m.

July 17, 2018 at midnight EDT: Deadline for submission of post-hearing briefs.

ADDRESSES: USTR strongly prefers electronic submissions made through the Federal eRulemaking Portal: *https://www.regulations.gov.* Follow the instructions for submitting comments below. The docket number for the India review is USTR–2018–0006; the docket number for the Indonesia review is USTR–2018–0007; the docket number for the Kazakhstan review is USTR–2018–0008; and the docket number for the Thailand review is USTR–2018–0012. For alternatives to on-line submissions, please contact Yvonne Jamison at (202) 395–3475.

FOR FURTHER INFORMATION CONTACT: Erland Herfindahl, Deputy Assistant U.S. Trade Representative for GSP, at (202) 395–2974 or *gsp@ustr.eop.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

The GSP program provides for the duty-free importation of designated articles when imported from designated beneficiary developing countries. The

GSP program is authorized by Title V of the Trade Act of 1974 (19 U.S.C. 2461–2467), as amended, and is implemented in accordance with Executive Order 11888 of November 24, 1975, as modified by subsequent Executive Orders and Presidential Proclamations.

B. Petitions Requesting Modifications of GSP Product Eligibility

In a notice published in the **Federal Register** on April 4, 2018 (83 FR 14540), USTR announced the re-opening of the GSP Annual Review originally announced in 2017 and indicated that the GSP Subcommittee was prepared to receive petitions to modify the list of products that are eligible for duty-free treatment under the GSP program and petitions to waive CNLs on imports of certain products from specific beneficiary countries.

The GSP Subcommittee has reviewed the product and CNL waiver petitions submitted in response to these announcements, and has decided to accept for review several petitions seeking to: Add certain products to the list of those eligible for duty-free treatment under GSP; remove products from GSP eligibility for certain GSP beneficiary countries; waive certain CNLs; deny certain De Minimis CNL waivers; and redesignate certain products to GSP eligibility for certain GSP beneficiary countries.

A list of petitions and products accepted for review is posted on the USTR website at *https://ustr.gov/issue-areas/preference-programs/generalized-system-preferences-gsp/current-reviews/gsp-20172018* under the title ''Petitions Accepted in the 2018 GSP Annual Product Review.'' This list also can be found at *www.regulations.gov* in Docket Number USTR–2017–0014. Acceptance of a petition indicates only that the TPSC found that the subject petition warranted further consideration and that a review of the requested action will take place.

The GSP Subcommittee invites public comments on any petition that has been accepted for the 2018 GSP Annual Product Review. The GSP Subcommittee also will convene a public hearing on these products and petitions. See below for information on how to submit a request to testify at this hearing.

C. Notice of Public Hearing for the GSP Product Review

The GSP Subcommittee will hold a public hearing on July 19, 2018, beginning at 10:00 a.m., for products and petitions accepted for the 2018 GSP Annual Product Review. The hearing will be held at 1724 F Street NW, Washington, DC 20508 and will be open to the public. A transcript of the hearing will be made available on *www.regulations.gov* approximately two weeks after the hearing.

All interested parties wishing to make an oral presentation at the hearing must submit, following the instructions below, the name, address, telephone number, and email address (if available), of the witness(es) representing their organization by midnight, July 3, 2018. Requests to present oral testimony in connection with the public hearing must be accompanied by a written brief or summary statement, in English, which also must be received by midnight, July 3, 2018. Oral testimony before the GSP Subcommittee will be limited to five-minute presentations that summarize or supplement information contained in briefs or statements submitted for the record. Post-hearing briefs or statements will be accepted if they conform with the regulations cited below and are submitted, in English, by midnight, August 8, 2018. Parties not wishing to appear at the public hearing may submit pre-hearing and post-hearing briefs or comments by the aforementioned deadlines.

D. Initiation of a Country Practice Review of Thailand

USTR will lead a review of the eligibility of Thailand for benefits under the GSP program. The GSP Subcommittee invites public comments on a petition from the National Pork Producers Council alleging that Thailand is not meeting the GSP eligibility criterion that requires a GSP beneficiary country to assure the United States that it will provide equitable and reasonable access to its market (19 U.S.C. 2462(c)(4)). Thailand's country practice review will be added to the previously announced GSP country practice reviews of India, Indonesia, and Kazakhstan. As previously announced, the public hearing for these reviews is on June 19, 2018. See below for information on how to submit a request to testify at this hearing.

E. Notice of Revised Country Practice Public Hearing

The GSP Subcommittee will hold a public hearing on June 19, 2018, beginning at 10:00 a.m., to receive information regarding the country practice reviews of India, Indonesia, Kazakhstan, and Thailand. The hearing will be held in Rooms 1 and 2, 1724 F Street NW, Washington, DC 20508, and will be open to the public and to the press. A transcript of the hearing will be available on *www.regulations.gov* within approximately two weeks after the date of the hearing. All interested parties wishing to make an oral presentation at the hearing with regard to the country practice review of Thailand only must submit, following the instructions below, the name, address, telephone number, and email address, if available, of the witness(es) representing their organization by midnight on June 12, 2018. The **Federal Register** notice of April 27, 2018 (83 FR 18618) specified the relevant deadlines and procedures for India, Indonesia, and Kazakhstan.

Requests to present oral testimony must be accompanied by a written brief or summary statement, in English. The GSP Subcommittee will limit oral testimony before the GSP Subcommittee to five-minute presentations that summarize or supplement information contained in briefs or statements submitted for the record. The GSP Subcommittee will accept post-hearing briefs or statements if they conform to the requirements set out below and are submitted in English, by midnight on July 17, 2018. Parties not wishing to appear at the public hearing may submit pre-hearing and post-hearing briefs or comments by these deadlines. In order to be assured of consideration, you must submit all post-hearing briefs or statements by the July 17, 2018 deadline to the appropriate docket via *www.regulations.gov:* India (market access): USTR–2018–0006; Indonesia (market access; investment and services): USTR–2018–0007; Kazakhstan (worker rights): USTR–2018–0008; Thailand (market access): USTR–2018–0012. However, if there are new developments or information that parties wish to share with the GSP Subcommittee after this date, the *www.regulations.gov* docket will remain open until a final decision is made. Post all comments, letters, or other submissions related to the appropriate docket listed above via *www.regulations.gov.*

F. Requirements for Submissions

Submissions in response to this notice (including requests to testify, written comments, and pre-hearing and post-hearing briefs) must be submitted by the applicable deadlines set forth in this notice. All submissions must be in English and submitted electronically via *http://www.regulations.gov,* using the appropriate docket number. Hand-delivered submissions will not be accepted. To make a submission using *http://www.regulations.gov,* enter the appropriate docket number in the 'Search for' field on the home page and click 'Search.' The site will provide a

search-results page listing all documents associated with this docket. Find a reference to this notice by selecting 'Notice' under 'Document Type' in the 'Filter Results by' section on the left side of the screen and click on the link entitled 'Comment Now.' The *http://www.regulations.gov* website offers the option of providing comments by filling in a 'Type Comment' field or by attaching a document using the 'Upload file(s)' field. The GSP Subcommittee prefers that submissions be provided in an attached document and, in such cases, that parties note 'See attached' in the 'Type Comment' field on the online submission form. At the beginning of the submission, or on the first page (if an attachment) should be the following text (in bold and underlined): (1) ''2018 Annual Product Review'' or the name of the particular Country Practice Review (2) the subject matter or the product description and related HTS tariff number; and (3) whether the document is a ''Written Comment,'' ''Notice of Intent to Testify,'' ''Pre-hearing brief,'' or a ''Post-hearing brief.'' Submissions should not exceed thirty single-spaced, standard letter-size pages in twelve-point type, including attachments. Any data attachments to the submission should be included in the same file as the submission itself, and not as separate files.

Each submitter will receive a tracking number upon completion of the submissions procedure at *http://www.regulations.gov.* The tracking number will be the submitter's confirmation that the submission was received into *http://www.regulations.gov.* The confirmation should be kept for the submitter's records. USTR is not able to provide technical assistance for the website. Documents not submitted in accordance with these instructions may not be considered in this review. If unable to provide submissions as requested, please contact Yvonne Jamison at (202) 395–3475.

G. Business Confidential Submissions

An interested party requesting that information contained in a submission be treated as business confidential information must certify that the information is business confidential and would not customarily be released to the public by the submitter. Confidential business information must be clearly designated as such. The submission must be marked ''BUSINESS CONFIDENTIAL'' at the top and bottom of the cover page and each succeeding page, and the submission should indicate, via brackets, the specific information that is confidential. Additionally, ''Business Confidential'' must be included in the 'Type Comment' field. For any submission containing business confidential information, a non-confidential version must be submitted separately (*i.e.,* not as part of the same submission with the confidential version), indicating where confidential information has been redacted. The non-confidential version will be placed in the docket and open to public inspection.

H. Public Viewing of Submissions

Submissions in response to this notice, except for information granted business confidential status, will be available for public viewing at *http://www.regulations.gov* upon completion of processing, usually within two weeks of the relevant due date or date of the submission. Public versions of all documents relating to these reviews will be made available for public viewing in the appropriate docket number at *http://www.regulations.gov* upon completion of processing.

Erland Herfindahl,

Deputy Assistant U.S. Trade Representative for the Generalized System of Preferences, Office of the U.S. Trade Representative.

[FR Doc. 2018–11574 Filed 5–29–18; 8:45 am]

BILLING CODE 3290–F8–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2018–51]

Petition for Exemption; Summary of Petition Received; Kitty Hawk Corporation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before June 19, 2018.

ADDRESSES: Send comments identified by docket number FAA–2018–0133 using any of the following methods:

- *Federal eRulemaking Portal: Go to http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jake Troutman, (202) 683–7788, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2018–0133.

Petitioner: Kitty Hawk Corporation.

Section(s) of 14 CFR Affected: Part 21; §§ 61.113(a) & (b); 61.133(a); 91.7(a); 91.9(b)(2); 91.103(b)(1); 91.119(c); 91.121; 91.151; 91.203(a) & (b); 91.405(a); 91.407(a)(1); 91.409(a)(2); 91.417(a) & (b).

Description of Relief Sought: The petitioner is requesting relief in order to operate their ''E–1'' unmanned aircraft system, weighing approximately 450 pounds, for the purpose of aerial testing and data collection at their testing facilities in California.

[FR Doc. 2018–11549 Filed 5–29–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2018–43]

Petition for Exemption; Summary of Petition Received; Vickers Aircraft Company LTD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before June 19, 2018.

ADDRESSES: Send comments identified by docket number FAA–2018–0227 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Brent Hart (202) 267–4034, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on May 21, 2018.

Lirio Liu,

Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2018–0227.

Petitioner: Vickers Aircraft Company LTD.

Section(s) of 14 CFR Affected: 21.181(a)(3)(i), 21.190(a), 43.3(c), 43.7(g), 61.89(c)(1), 61.303(a), 61.315(a), 61.411(a), 61.415(a), 61.429(b), and 65.107(b) and (c).

Description of Relief Sought: Vickers Aircraft Company LTD seeks an exemption to allow the Wave amphibious aircraft to be designed, operated, and maintained under the regulations and standards that are applicable to aircraft issued a special airworthiness certificate in the light-sport category despite exceeding the maximum takeoff weight under the definition of ''light sport aircraft'' set forth in 14 CFR 1.1 due to the incorporation of unique safety design features.

[FR Doc. 2018–11548 Filed 5–29–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Request To Release Airport Property at the Scholes International Airport, Galveston, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Request to Release Airport Property.

SUMMARY: The FAA proposes to rule and invite public comment on the release of land at the Scholes International Airport under the provisions of Section 125 of the Wendell H. Ford Aviation Investment Reform Act for the 21st Century (AIR 21).

DATES: Comments must be received on or before (from 30 days of the posting of this **Federal Register** Notice).

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Mr. Ben Guttery, Manager, Federal Aviation Administration, Southwest Region, Airports Division, Texas Airports District Office, ASW–650, 10101 Hillwood Parkway, Fort Worth, Texas 76177.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Mike Shahan, Airport Director, at the following address: 2115 Terminal Drive #4, Galveston, Texas 77554.

FOR FURTHER INFORMATION CONTACT: Mr. Todd Hebert, Program Manager, Federal Aviation Administration, Texas Airports District Office, ASW–650, 10101 Hillwood Parkway, Fort Worth, TX 76177, Telephone: (817) 222–5614, email: *Todd.Hebert@faa.gov.*

The request to release property may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release property at the Scholes International Airport under the provisions of the AIR 21.

The following is a brief overview of the request:

City of Galveston requests the release of 26.3 acres of non-aeronautical airport property. The property is located on the west side of the airport, along Travel Air Road. The property to be released will be sold and revenues shall be used to build an airport-owned warehouse on land designated as non-aeronautical. The lease revenue from the warehouse will support maintenance and improvement of the airport. Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents relevant to the application in person at the Scholes International Airport, telephone number (409) 797–3593.

Issued in Fort Worth, Texas, on May 9, 2018.

Ignacio Flores,

Director, Airports Southwest Region.

[FR Doc. 2018–11467 Filed 5–29–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Approval for Renewal and Revision of Information Collection: High Density Traffic Airports: Slot Allocation and Transfer Methods

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval for renewal and revision to an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 30, 2018. This information collection is used to allocate airport landing and takeoff slots and maintain accurate records of slot transfers at Ronald Reagan Washington National Airport (DCA) under the High Density Rule. The FAA is requesting a renewal for the DCA information collection and a revision to include six additional airports managed under similar FAA programs to manage congestion and delay: John F. Kennedy International Airport (JFK), LaGuardia Airport (LGA), Los Angeles International Airport (LAX), Newark Liberty International Airport (EWR), O'Hare International Airport (ORD), and San Francisco International Airport (SFO). The information collection is required from carriers and other operators at the airports to assist the FAA in reducing delays at congested airports.

DATES: Written comments should be submitted by June 29, 2018.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall at (940) 594–5913, or by email at: *Barbara.L.Hall@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0524.

Title: High Density Traffic Airports: Slot Allocation and Transfer Methods.

Form Numbers: There are no FAA forms associated with this information collection.

Type of Review: Renewal and revision of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 30, 2018 (83 FR 13809). Information is reported to the FAA by air carriers or other persons holding slots at DCA in accordance with 14 CFR part 93, subparts K and S. The respondents must notify the FAA of: (1) Requests for confirmation of transferred slots; (2) slots required to be returned or slots voluntarily returned; (3) requests to be included in a lottery for available slots; (4) usage of slots on a bi-monthly basis; and (5) requests for off-peak hour slots. The FAA uses this information to allocate and withdraw takeoff and landing slots at DCA, and to confirm transfers of slots made among the operators, thus maintaining an accurate slot base at DCA. Information also is reported by persons conducting unscheduled operations at DCA. Those respondents must obtain a reservation from the FAA prior to operating at the airport.

The revision to the existing information collection approval would include information from carriers holding a slot at JFK or LGA and by unscheduled operators at LGA as required under FAA Orders establishing limits on operations at those airports.[1] Information would also be provided by carriers operating scheduled flights at EWR, LAX, ORD, and SFO where the FAA has established a voluntary process to review flight schedules consistent with international, industry practices. At JFK, carriers must notify the FAA of: (1) Requests for confirmation of transferred slots; (2) requests for seasonal allocation of historic and additional available slots consistent with Worldwide Slot Guidelines; (3) usage of slots on a seasonal basis; (4) the return of slots; and (5) changes to allocated slots. At LGA, carriers must notify the FAA of: (1) Requests for confirmation of transferred slots; (2) compulsory or voluntary slot returns; (3) requests to be included in a lottery for available slots; and (4) usage of slots on a bi-monthly basis. At LGA, unscheduled operators must request and obtain a reservation from the FAA prior to conducting an operation. At EWR, LAX, ORD and SFO, carriers are asked to notify the FAA of their intended operating schedules during peak hours for each summer and winter scheduling season and when there are significant schedule changes.

Respondents: 140 carriers at various airports; unknown number of operators with unscheduled flights at DCA and LGA.

Frequency: Schedule requests are collected semiannually and additionally as needed due to carrier changes; slot usage information is reported four to six times per year depending on the airport; other slot and schedule data are collected as needed.

Estimated Average Burden per Response: 6 minutes per slot transfer; 6 minutes per slot return; 6 minutes per schedule update; 6 minutes per request for inclusion in a lottery; 2 minutes per unscheduled slot request; 1.5 hours per schedule submission; and 1 hour per slot usage report.

Estimated Total Annual Burden: 5,367 hours.

Issued in Washington, DC, on May 23, 2018.

Jonathan Haupt,

Acting Manager, IT Strategy and Investment Portfolio Branch, ASP–120.

[FR Doc. 2018–11569 Filed 5–29–18; 8:45 am]

BILLING CODE 4910–13–P

[1] Operating Limitations at John F. Kennedy International Airport, 73 FR 3510 (Jan. 18, 2008), as most recently amended 81 FR 40167 (Jun. 21, 2016). Operating Limitations at New York LaGuardia Airport, 71 FR 77854 (Dec. 27, 2006), as most recently amended 81 FR 33126 (May 25, 2016).

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

[Docket No. TTB–2018–0001]

Proposed Information Collections; Comment Request (No. 69)

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of our continuing effort to reduce paperwork and respondent burden, and as required by the Paperwork Reduction Act of 1995, the Alcohol and Tobacco Tax and Trade Bureau (TTB) invites comments on the proposed or continuing information collections listed below in this document.

DATES: Comments are due on or before July 30, 2018.

ADDRESSES: As described below, you may send comments on the information collections listed in this document using the ''*Regulations.gov*'' online comment form for this document, or you may send written comments via U.S. mail or hand delivery. TTB no longer accepts public comments via email or fax.

- *https://www.regulations.gov:* Use the comment form for this document posted within Docket No. TTB–2018–0001 on ''*Regulations.gov*,'' the Federal e-rulemaking portal, to submit comments via the internet;
- *U.S. Mail:* Michael Hoover, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005.
- *Hand Delivery/Courier in Lieu of Mail:* Michael Hoover, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Suite 400, Washington, DC 20005.

Please submit separate comments for each specific information collection listed in this document. You must reference the information collection's title, form or recordkeeping requirement number, and OMB number (if any) in your comment.

You may view copies of this document, the information collections listed in it and any associated instructions, and all comments received in response to this document within Docket No. TTB–2018–0001 at *https://www.regulations.gov.* A link to that docket is posted on the TTB website at *https://www.ttb.gov/forms/comment-on-form.shtml.* You may also obtain paper copies of this document, the information collections described in it and any associated instructions, and any comments received in response to this document by contacting Michael Hoover at the addresses or telephone number shown below.

FOR FURTHER INFORMATION CONTACT: Michael Hoover, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; telephone (202) 453–1039, ext. 135; or email *informationcollections@ttb.gov* (please *do not* submit comments on the information collections listed in this document to this email address).

SUPPLEMENTARY INFORMATION:

Request for Comments

The Department of the Treasury and its Alcohol and Tobacco Tax and Trade Bureau (TTB), as part of a continuing effort to reduce paperwork and respondent burden, invite the general public and other Federal agencies to comment on the proposed or continuing information collections listed below in this notice, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Comments submitted in response to this notice will be included or summarized in our request for Office of Management and Budget (OMB) approval of the relevant information collection. All comments are part of the public record and subject to disclosure. Please do not include any confidential or inappropriate material in comments.

For each information collection listed below, we invite comments on: (a) Whether the information collection is necessary for the proper performance of the agency's functions, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the information collection's burden; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the information collection's burden 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 the requested information.

Information Collections Open for Comment

Currently, we are seeking comments on the following information collections (forms, recordkeeping requirements, or questionnaires):

Title: Brewer's Report of Operations, and Quarterly Brewer's Report of Operations.

OMB Number: 1513–0007.

TTB Form Number: F 5130.9 and F 5130.26.

Abstract: The Internal Revenue Code (IRC) at 26 U.S.C. 5415 requires all brewers to submit reports regarding their operations in the form and manner prescribed by regulation. Under that authority, the TTB regulations require brewers to file monthly operations reports using TTB F 5130.9 if they anticipate an annual Federal excise tax liability of $50,000 or more for beer in a given calendar year. The TTB regulations also state that brewers that anticipate a liability of less than $50,000 for such taxes in a given year and that had such liability the previous year may file operations reports either monthly using TTB F 5130.9 or quarterly using TTB F 5130.26.

Current Actions: This information collection remains unchanged, and TTB is submitting it only for extension purposes. However, TTB is increasing the estimated number of respondents, responses, and annual burden hours associated with this information collection due to continued growth in the number of brewers regulated by TTB and to account for all possible brewers operational reports that the Bureau may receive.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 9,000.

Estimated Total Annual Burden Hours: 43,200.

Title: Application and Permit to Ship Liquors and Articles of Puerto Rican Manufacture Taxpaid to the United States.

OMB Number: 1513–0008.

TTB Form Number: F 5170.7.

Abstract: The IRC at 26 U.S.C. 7652 provides that products of Puerto Rican manufacture shipped to the United States and withdrawn for consumption or sale are subject to a tax equal to the internal revenue tax imposed on like products manufactured in the United States, and that the taxes collected on such products are to be covered (transferred) into the Treasury of Puerto Rico. Under the TTB regulations in 27 CFR part 26, applicants use TTB F 5170.7 to apply for, and to document, the shipment of tax-paid or tax-determined Puerto Rican spirits to the United States. The form documents the specific spirits and articles to be shipped, the amounts shipped and received, and the amount of tax, and it identifies the consignor in Puerto Rico and consignee in the United States. TTB uses the information to verify the accuracy of prepayments of excise tax and semimonthly payments of deferred excise taxes, and to maintain the account of revenue to be transferred into the Treasury of Puerto Rico. This information is necessary to protect the revenue.

Current Actions: This information collection remains unchanged, and TTB is submitting it only for extension purposes. However, while the number

of respondents remains the same, TTB is increasing the estimated number of responses and total annual burden hours associated with this information collection due to a more accurate accounting of the number of TTB F 5170.7 forms received by the office that processes that form.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 20.

Estimated Total Annual Burden Hours: 1,100.

Title: Application for a Basic Permit under the Federal Alcohol Administration Act.

OMB Number: 1513–0018.

TTB Form Number: F 5100.24.

Abstract: Section 103 of the Federal Alcohol Administration (FAA) Act (27 U.S.C. 203) requires that a person apply for and receive a basic permit to engage in the business of: (1) Importing distilled spirits, wine, or malt beverages into the United States, (2) producing distilled spirits or wine, or (3) purchasing for resale at wholesale distilled spirits, wine, or malt beverages. In addition, section 104 of The FAA Act (27 U.S.C. 204(c)) authorizes the Secretary of the Treasury to prescribe the manner and form of, and the information required in, such applications. Under these authorities, the TTB regulations at 27 CFR 1.25 provide that new applications for FAA Act basic permits must be made on form TTB F 5100.24. This application enables TTB to determine the location of the business, the extent of its operations, and if the applicant is qualified under the law to receive a FAA Act basic permit.

Current Actions: This information collection remains unchanged, and TTB is submitting it only for extension purposes. However, TTB is increasing the estimated number of respondents, responses, and annual burden hours associated with this information collection due to continued growth in the number of new FAA Act basic permit applications received by TTB.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 6,000.

Estimated Total Annual Burden Hours: 6,675.

Title: Formula and Process for Nonbeverage Product.

OMB Number: 1513–0021.

TTB Form Number: F 5154.1.

Abstract: The IRC at 26 U.S.C. 5131–5134, authorizes drawback (refund) of excise tax paid on distilled spirits that are subsequently used in the manufacture of medicines, medicinal preparations, food products, flavors, flavoring extracts, or perfume that are unfit for beverage purposes, and authorizes the Secretary to prescribe regulations to ensure that drawback is not paid for unauthorized purposes. Under these authorities, TTB has issued regulations to require that drawback claimants show that the distilled spirits for which a drawback claim is made were used in the manufacture of a product unfit for beverage use. This showing is based on the product's formula, which is submitted on form TTB F 5154.1. This information collection is necessary to protect the revenue as it allows TTB to determine if a given product is unfit for beverage use and is of a type authorized for drawback by the IRC. In addition, this information collection is beneficial to respondents as TTB's determination allows claimants to know in advance of actual manufacture if a product is or is not fit for beverage purposes and thus eligible or not eligible for drawback.

Current Actions: TTB is submitting this information collection for extension purposes; there is no change to the collection or its estimated burden.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 620.

Estimated Total Annual Burden Hours: 2,370.

Title: Environmental Information and Supplemental Information on Water Quality Consideration Under 33 U.S.C. 1341(a).

OMB Number: 1513–0023.

TTB Form Number: F 5000.29 and F 5000.30.

Abstract: To comply with provisions of the National Environmental Policy Act (42 U.S.C. 4332), the Federal Water Pollution Control Act (Clean Water Act, 33 U.S.C. 1341(a)), and their implementing regulations as found, respectively, in 40 CFR 1500.6 and 40.123.3, TTB has developed two environmental information collection forms. TTB uses information supplied on TTB F 5000.29 by a manufacturer regarding solid and liquid waste, air and noise pollution, and the like to determine if their activities will have a significant effect on the environment and to determine if a formal environmental impact statement or an environmental permit is necessary for the proposed activities. TTB uses the information supplied on TTB F 5000.30 by a manufacturer that discharge effluent into navigable waters to determine if a certification or waiver by the applicable State water quality agency is required under the Clean Water Act.

Current Actions: This information collection remains unchanged, and TTB is submitting it only for extension purposes. However, TTB is increasing the estimated number of respondents, responses, and annual burden hours associated with this information collection due to continued growth in the number of industry members submitting these forms to TTB.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 3,800.

Estimated Total Annual Burden Hours: 2,346.

Title: Application for Operating Permit Under 26 U.S.C. 5171(d).

OMB Number: 1513–0040.

TTB Form Number: F 5110.25.

Abstract: Under the IRC at 26 U.S.C. 5171(d), persons who intend to (1) distill spirits, denature spirits, bottle or package, or warehouse spirits for industrial use, (2) manufacture articles using distilled spirits, or (3) warehouse bulk spirits for non-industrial use without bottling must apply for and obtain an operating permit. Only one such IRC-based operating permit is issued to a DSP, which specifies the operations authorized under the permit. Under the TTB distilled spirits plant regulations in 27 CFR part 19, before beginning operations, persons apply for an IRC-based operating permit using form TTB F 5110.25. Collection of this information by TTB is necessary to protect the revenue as it allows TTB to determine if the application is qualified under the law to enter into the specified distilled spirits operations. This assists in limiting the number of persons engaged in the illicit manufacture and sale of non-taxpaid distilled spirits and/or the diversion of industrial alcohol to taxable beverage use.

Current Actions: TTB is submitting this information collection for extension purposes; there is no change to the collection or its estimated burden.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 100.

Estimated Total Annual Burden Hours: 25.

Title: Alcohol Fuel Plants (AFP) Records, Reports, and Notices.

OMB Number: 1513–0052

TTB Form Number: F 5110.75.

TTB Recordkeeping Requirement Number: REC 5110/10.

Abstract: Under the IRC at 26 U.S.C. 5001, distilled spirits produced or imported into the United States are subject to an excise tax of up to $13.50 per proof gallon. However, under 26 U.S.C. 5214(a)(12) distilled spirits used for fuel purposes may be withdrawn from a distilled spirits plant (DSP) free of tax. To protect the revenue and help prevent diversion of alcohol fuel to taxable beverage use, 26 U.S.C. 5181 and 5207 require a proprietor of a DSP established as an alcohol fuel plant (AFP) to make applications, maintain records, and render reports as the Secretary of the Treasury prescribes by regulation. Under those IRC authorities, TTB has issued AFP fuel regulations in 27 CFR, part 19, subpart X, which require AFP proprietors to keep certain records, provide certain notices, and make annual operations reports using form TTB F 5110.75. The information collected under these regulations is necessary to keep AFP permits current, to account for distilled spirits produced for fuel purposes and verify the spirits' disposition, and to evaluate requested variations from prescribed AFP procedures.

Current Actions: This information collection remains unchanged, and TTB is submitting it only for extension purposes. However, TTB is increasing the estimated number of respondents to this information collection due to continued growth in the number of AFPs regulated by TTB. However, TTB is decreasing the number of total annual burden hours for this information collection due to more accurate estimates of the number of AFP-related letterhead notices received by TTB.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 1,900.

Estimated Total Annual Burden Hours: 1,970.

Title: Federal Firearms and Ammunition Quarterly Excise Tax Return.

OMB Number: 1513–0094.

TTB Form Number: F 5300.26.

Abstract: The Internal Revenue Code (IRC) at 26 U.S.C. 4181 imposes a Federal excise tax on the sale of pistols, revolvers, other firearms, and shells and cartridges (ammunition) sold by manufacturers, producers, and importers. The IRC at 26 U.S.C. 6001 and 6011 provides for the filing of a return for this firearms and ammunition excise tax (FAET), which is administered and collected by TTB. The TTB regulations in 27 CFR part 53 prescribe the use of the FAET return form, TTB F 5300.26. TTB uses the information collected on that return form to determine how much FAET is owed by the respondent, and to verify that the respondent has correctly determined and paid the tax liability. This return is filed on a quarterly basis.

Current Actions: TTB is submitting this information collection for extension purposes; there is no change to the collection or its estimated burden.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 675.

Estimated Total Annual Burden Hours: 18,900.

Title: Tobacco Bond—Collateral, Tobacco Bond—Surety, and Tobacco Bond.

OMB Number: 1513–0103.

TTB Form Numbers: F 5200.25, F 5200.26, and F 5200.29.

Abstract: To protect the revenue, the IRC at 26 U.S.C. 5711 requires that every person, before commencing business as a manufacturer of tobacco products or cigarette papers and tubes, or as an export warehouse proprietor, file a bond in the amount, form, and manner as prescribed by the Secretary by regulation. Also, the IRC at 26 U.S.C. 7101 requires that such bonds be guaranteed by a surety or by the deposit of collateral in the form of United States Treasury bonds or notes. Under these IRC authorities, TTB has issued tobacco bond regulations in 27 CFR parts 40 and 44. These regulations require the prescribed persons to file a surety or collateral bond with TTB in an amount equivalent to the potential tax liability of the person, within a minimum and a maximum amount. The TTB regulations also require a strengthening bond when the amount of an existing bond is found to be insufficient, and require a superseding bond when a current bond is no longer valid for reasons specified by regulation. The prescribed persons may provide a surety bond using TTB F 5000.25 or a collateral bond using TTB F 5000.26. TTB F 5200.29 is a combination of those two forms, and it currently may be used to meet TTB's tobacco bond requirements under an approved alternate procedure.

Current Actions: TTB is submitting this information collection for extension purposes; there is no change to the collection or its estimated burden.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 215.

Estimated Total Annual Burden Hours: 366.

Title: Monthly Report—Importer of Tobacco Products or Processed Tobacco.

OMB Number: 1513–0107.

TTB Form Number: F 5220.6.

Abstract: Under the IRC at 26 U.S.C. 5722, importers of tobacco products and of processed tobacco are required to make reports containing such information, in such form, at such times, and for such periods as the Secretary shall prescribe by regulation. Under this authority, the TTB tobacco import regulations in 27 CFR part 41 require importers of tobacco products and importers of processed tobacco to submit a monthly report on TTB F 5220.6 to account for such products on hand, received, and removed. TTB requires this information to protect the revenue as it assists TTB in ensuring that the appropriate taxes on such products are paid. The required information also allows TTB to determine the amount and disposition of tobacco products and processed tobacco imported into the United States, which assists TTB in preventing diversion of tobacco products and processed tobacco into the illegal market.

Current Actions: This information collection remains unchanged, and TTB is submitting it only for extension purposes. However, TTB is increasing the estimated number of respondents, responses, and annual burden hours associated with this information collection due to an increase in the number of tobacco product importers and to account for all possible tobacco product and processed tobacco import reports that the Bureau may receive.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 475.

Estimated Total Annual Burden Hours: 5,700.

Title: Formulas for Fermented Beverage Products (TTB REC 5052/1).

OMB Number: 1513–0118.

TTB Recordkeeping Requirement Number: REC 5052/1.

Abstract: Under the authority of the IRC at 26 U.S.C. 5051, 5052, and 7805, and the authority of the FAA Act at 27

U.S.C. 205(e), the TTB regulations in 27 CFR parts 7 and 25 require beer and malt beverage producers and importers to file a formula when certain non-exempted ingredients or processes are used to produce such products. This information collection, which is submitted to TTB as a written notice, is necessary to (1) ensure that the Federal alcohol excise tax revenue due under the provisions of chapter 51 of the IRC is not jeopardized for domestically made or imported beer, and (2) to ensure that the alcohol beverage labeling provisions of the FAA Act are met for imported products that meet the FAA Act definition of malt beverage.

Current Actions: TTB is submitting this information collection for extension purposes; there is no change to the collection or its estimated burden.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 505.

Estimated Total Annual Burden Hours: 1,326.

Title: Formula and Process for Domestic and Imported Alcohol Beverages.

OMB Number: 1513–0122.

TTB Form Number: F 5100.51.

Abstract: Chapter 51 of the IRC governs the production, classification, and taxation of alcohol products; the FAA Act at 27 U.S.C. 205(e) requires alcohol beverage labels to provide consumers with adequate information as to the identity and quality of alcohol beverages, and each statute authorizes the Secretary to issue regulations related to such activities. The TTB regulations issued under those authorities require alcohol beverage producers and importers to obtain formula approval from TTB for certain non-standard products to ensure that the product is properly classified for excise tax purposes under the IRC and that it is properly labeled under the FAA Act. Currently, in lieu of the formula forms and letterhead notices specified in the TTB regulations, respondents may submit TTB F 5100.51 (or its electronic equivalent, Formulas Online (FONL)) to TTB as an alternate method or procedure.

Current Actions: This information collection remains unchanged, and TTB is submitting it only for extension purposes. However, TTB is increasing the estimated number of respondents, responses, and annual burden hours associated with this information collection due to an increase in the number of respondents submitting formulas to TTB and electing to do so via TTB F 5100.51 or FONL.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 3,000.

Estimated Total Annual Burden Hours: 30,000.

Dated: May 23, 2018.

Amy R. Greenberg,

Director, Regulations and Rulings Division.

[FR Doc. 2018–11494 Filed 5–29–18; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Tax Treatment of Salvage and Reinsurance

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning the tax treatment of salvage and reinsurance.

DATES: Written comments should be received on or before July 30, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to Roberto Mora-Figueroa, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Tax Treatment of Salvage and Reinsurance.

OMB Number: 1545–1227.

Regulation Project Number: TD 8857.

Abstract: Section 1.832–4(d) of this regulation allows a nonlife insurance company to increase unpaid losses on a yearly basic by the amount of estimated salvage recoverable if the company discloses this to the state insurance regulatory authority.

Current Actions: There is no change to the burden previously approved.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 2,500.

Estimated Time per Respondent: 2 hours.

Estimated Total Annual Burden Hours: 5,000

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: May 21, 2018.

R. Joseph Durbala,

IRS Tax Analyst.

[FR Doc. 2018–11521 Filed 5–29–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

United States Mint

Notification of Citizens Coinage Advisory Committee June 12, 2018 Public Meeting

ACTION: Notice.

The United States Mint announces the Citizens Coinage Advisory Committee (CCAC) public meeting scheduled for June 12, 2018.

Date: June 12, 2018.

Time: 9:30 a.m. to 3:15 p.m.

Location: Second Floor Conference Room, United States Mint, 801 9th Street NW, Washington, DC 20220.

Subject: Review and discussion of candidate designs for the 2020 and 2021 America the Beautiful Quarters Program.

Interested members of the public may either attend the meeting in person or dial in to listen to the meeting at (866) 564–9287/Access Code: 62956028.

Interested persons should call the CCAC HOTLINE at (202) 354–7502 for the latest update on meeting time and room location.

Any member of the public interested in submitting matters for the CCAC's consideration is invited to submit them by email to *info@ccac.gov.*

The CCAC advises the Secretary of the Treasury on any theme or design proposals relating to circulating coinage, bullion coinage, Congressional Gold Medals, and national and other medals; advises the Secretary of the Treasury with regard to the events, persons, or places to be commemorated by the issuance of commemorative coins in each of the five calendar years succeeding the year in which a commemorative coin designation is made; and makes recommendations with respect to the mintage level for any commemorative coin recommended. Members of the public interested in attending the meeting in person will be admitted into the meeting room on a first-come, first-serve basis as space is limited. Conference Room A&B can accommodate up to 50 members of the public at any one time. In addition, all persons entering a United States Mint facility must adhere to building security protocol. This means they must consent to the search of their persons and objects in their possession while on government grounds and when they enter and leave the facility, and are prohibited from bringing into the facility weapons of any type, illegal drugs, drug paraphernalia, or contraband.

The United States Mint Police Officer conducting the screening will evaluate whether an item may enter into or exit from a facility based upon federal law, Treasury policy, United States Mint Policy, and local operating procedure; and all prohibited and unauthorized items will be subject to confiscation and disposal.

FOR FURTHER INFORMATION CONTACT: Betty Birdsong, Acting United States Mint Liaison to the CCAC, 801 9th Street NW, Washington, DC 20220; or call 202–354–7200.

Authority: 31 U.S.C. 5135(b)(8)(C).

Dated: May 21, 2018.

David J. Ryder,

Director, United States Mint.

[FR Doc. 2018–11502 Filed 5–29–18; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

Vol. 83 Wednesday,

No. 104 May 30, 2018

Part II

Environmental Protection Agency

40 CFR Part 68

Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 68

[EPA–HQ–OEM–2015–0725; FRL–9975–20–OLEM]

RIN 2050–AG95

Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is requesting public comment on several proposed changes to the final Risk Management Program Amendments rule (Amendments rule) issued on January 13, 2017. EPA is proposing to rescind amendments relating to safer technology and alternatives analyses, third-party audits, incident investigations, information availability, and several other minor regulatory changes. EPA is also proposing to modify amendments relating to local emergency coordination and emergency exercises, and to change the compliance dates for these provisions.

DATES: *Comments.* Comments and additional material must be received on or before July 30, 2018. Under the Paperwork Reduction Act (PRA), comments on the information collection provisions are best assured of consideration if the Office of Management and Budget (OMB) receives a copy of your comments on or before June 29, 2018.

Public testimony: Send requests to present oral testimony by June 8, 2018.

Public Hearing. The EPA will hold a public hearing on this proposed rule on June 14, 2018 in Washington, DC.

ADDRESSES: Comments. Submit comments and additional materials, identified by docket EPA–HQ–OEM–2015–0725 to the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

Public Hearing. A public hearing will be held in Washington, DC on June 14, 2018 at William J. Clinton East Building Room 1153 (Map Room), 1201 Constitution Ave. NW, Washington, DC 20460. The hearing will convene at 9:00 a.m. through 8:00 p.m. The sessions will run from 9:00 a.m. to 12:00 p.m., with a break between 12:00 p.m. and 1:00 p.m., continuing from 1:00 p.m. to 4:30 p.m., with a break from 4:30 to 5:30 p.m., and continuing from 5:30 p.m. to 8:00 p.m. Persons wishing to preregister may be assigned a time according to this schedule. The evening session beginning at 5:30 p.m. will be extended one hour after all scheduled comments have been heard to accommodate those wishing to make a comment as a walk-in registrant. Please register at *https://www.epa.gov/rmp/public-hearing-proposed-changes-risk-management-program-rmp-rule* to speak at the hearing. The last day to preregister in advance to speak at the hearing is June 8, 2018. Additionally, requests to speak will be taken the day of the hearing at the hearing registration desk, although preferences on speaking times may not be able to be fulfilled. If you require the service of a translator or special accommodations such as audio description, we ask that you pre-register for the hearing, on or before June 8, 2018 to allow sufficient time to arrange such accommodations.

The hearing will provide interested parties the opportunity to present data, views or arguments concerning the proposed action. The EPA will make every effort to accommodate all speakers who arrive and register. Because this hearing is being held at a U.S. government facility, individuals planning to attend the hearing should be prepared to show valid picture identification to the security staff in order to gain access to the meeting room. Please note that the REAL ID Act, passed by Congress in 2005, established new requirements for entering Federal facilities. If your driver's license is issued by Alaska, American Samoa, Arizona, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Montana, New York, Oklahoma or the state of Washington, you must present an additional form of identification to enter the Federal building. Acceptable alternative forms of identification include: Federal employee badges, passports, enhanced driver's licenses and military identification cards. In addition, you will need to obtain a property pass for any personal belongings you bring with you. Upon leaving the building, you will be required to return this property pass to the security desk. No large signs will be allowed in the building, cameras may only be used outside of the building and demonstrations will not be allowed on Federal property for security reasons.

The EPA may ask clarifying questions during the oral presentations, but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral comments and supporting information presented at the public hearing. Verbatim transcripts of the hearing and written statements will be included in the docket for the rulemaking. The EPA will make every effort to follow the schedule as closely as possible on the day of the hearing; however, please plan for the hearing to run either ahead of schedule or behind schedule.

FOR FURTHER INFORMATION CONTACT: James Belke, United States Environmental Protection Agency, Office of Land and Emergency Management, 1200 Pennsylvania Ave. NW (Mail Code 5104A), Washington, DC 20460; telephone number: (202) 564–8023; email address: *belke.jim@epa.gov,* or Kathy Franklin, United States Environmental Protection Agency, Office of Land and Emergency Management, 1200 Pennsylvania Ave. NW (Mail Code 5104A), Washington, DC 20460; telephone number: (202) 564–7987; email address: *franklin.kathy@epa.gov.*

Electronic copies of this Notice of Proposed Rulemaking (NPRM) and related news releases are available on EPA's website at *http://www.epa.gov/rmp.* Copies of this NPRM are also available at *http://www.regulations.gov.*

SUPPLEMENTARY INFORMATION: *Acronyms and Abbreviations.* We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

ACC American Chemistry Council
AFPM American Fuel & Petrochemical Manufacturers
BATF Bureau of Alcohol, Tobacco, Firearms, and Explosives
CAA Clean Air Act

CAAA Clean Air Act Amendments of 1990
CBI confidential business information
CFATS Chemical Facility Anti-Terrorism Standards
CFR Code of Federal Regulations
CSAG Chemical Safety Advocacy Group
CSISSFRRA Chemical Safety Information, Site Security and Fuels Regulatory Relief Act
CVI Chemical-terrorism Vulnerability Information
DHS Department of Homeland Security
E.O. Executive Order
DOT Department of Transportation
EPA Environmental Protection Agency
EPCRA Emergency Planning & Community Right-To-Know Act
FOIA Freedom of Information Act
FR Federal Register
ICR Information Collection Request
ISD inherently safer design
IST inherently safer technology
LEPC local emergency planning committee
NAICS North American Industrial Classification System
NPRM Notice of Proposed Rulemaking
OCA offsite consequences analysis
OMB Office of Management and Budget
OSHA Occupational Safety and Health Administration
PHA process hazard analysis
PRA Paperwork Reduction Act
PSI process safety information
PSM Process Safety Management
RIA Regulatory Impact Analysis
RFA Regulatory Flexibility Act
RFI request for information
RMP Risk Management Program
RTC Response to Comments
SBAR Small Business Advocacy Review
SBREFA Small Business Regulatory Enforcement Fairness Act
SDS safety data sheet
SER small entity representative
SERC state emergency response commission
STAA safer technology and alternatives analysis
TQ threshold quantity
U.S.C. United States Code
UMRA Unfunded Mandates Reform Act

Organization of this Document. The contents of this preamble are:

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J. National Technology Transfer and Advancement Act (NTTAA)
K. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

I. General Information

A. Does this action apply to me?

This rule applies to those facilities (referred to as ''stationary sources'' under the CAA) that are subject to the chemical accident prevention requirements at 40 CFR part 68. This includes stationary sources holding more than a threshold quantity (TQ) of a regulated substance in a process. Table 1 provides industrial sectors and the associated NAICS codes for entities potentially affected by this action. The Agency's goal is to provide a guide for readers to consider regarding entities that potentially could be affected by this action. However, this action may affect other entities not listed in this table. If you have questions regarding the applicability of this action to a particular entity, consult the person(s) listed in the introductory section of this action under the heading entitled **FOR FURTHER INFORMATION CONTACT**.

TABLE 1—INDUSTRIAL SECTORS AND ASSOCIATED NAICS CODES FOR ENTITIES POTENTIALLY AFFECTED BY THIS ACTION

Sector	NAICS code
Administration of Environmental Quality Programs	924
Agricultural Chemical Distributors.	
Crop Production	111
Animal Production and Aquaculture	112
Support Activities for Agriculture and Forestry	115
Farm Supplies Merchant Wholesalers	42491
Chemical Manufacturing	325
Chemical and Allied Products Merchant Wholesalers	4246
Food Manufacturing	311
Beverage Manufacturing	3121
Oil and Gas Extraction	211
Other [1]	44, 45, 48, 54, 56, 61, 72
Other manufacturing	313, 326, 327, 33
Other Wholesale.	
Merchant Wholesalers, Durable Goods	423
Merchant Wholesalers, Nondurable Goods	424
Paper Manufacturing	322
Petroleum and Coal Products Manufacturing	324
Petroleum and Petroleum Products Merchant Wholesalers	4247
Utilities	221

TABLE 1—INDUSTRIAL SECTORS AND ASSOCIATED NAICS CODES FOR ENTITIES POTENTIALLY AFFECTED BY THIS ACTION—Continued

Sector	NAICS code
Warehousing and Storage	493

B. What action is the Agency taking?

1. Purpose of the Regulatory Action

The purpose of this action is to propose changes to the Risk Management Program Amendments final rule in order to address issues raised in three petitions for reconsideration received by EPA, as well as other issues that EPA believes warrant reconsideration.

On January 13, 2017, the EPA issued a final rule (82 FR 4594) amending 40 CFR part 68, the chemical accident prevention provisions under section 112(r) of the CAA (42 U.S.C. 7412(r)). The amendments addressed various aspects of risk management programs, including prevention programs at stationary sources, emergency response preparedness requirements, information availability, and various other changes to streamline, clarify, and otherwise technically correct the underlying rules. Prior to the rule taking effect, EPA received three petitions for reconsideration of the rule under CAA section 307(d)(7)(B), two from industry groups [2] and one from a group of states.[3] Under that provision, the Administrator is to commence a reconsideration proceeding if, in the Administrator's judgement, the petitioner raises an objection to a rule that was impracticable to raise during the comment period or if the grounds for the objection arose after the comment period but within the period for judicial review. In either case, the Administrator must also conclude that the objection is of central relevance to the outcome of the rule.

In a letter dated March 13, 2017, the Administrator responded to the first of the reconsideration petitions received by announcing the convening of a proceeding for reconsideration of the Risk Management Program Amendments.[4] As explained in that letter, having considered the objections raised in the petition, the Administrator determined that the criteria for reconsideration have been met for at least one of the objections. This proposal addresses the issues raised in all three petitions for reconsideration, as well as other issues that EPA believes warrant reconsideration.

2. Summary of the Provisions of the Regulatory Action

EPA proposes to rescind almost all the requirements added to the accident prevention provisions program of Subparts C (for Program 2 processes) and D (for Program 3 processes). These include rescission of all requirements for third-party compliance audits (§§ 68.58, 68.59, 68.79 and 68.80), safer technology and alternatives analysis (§ 68.67(c)(8)) for facilities with Program 3 regulated processes in North American Industrial Classification System (NAICS) codes 322 (paper manufacturing), 324 (petroleum and coal products manufacturing), and 325 (chemical manufacturing) and rescinding the words ''for each covered process'' from the compliance audit provisions in §§ 68.58 and 68.79. EPA also proposes to rescind in § 68.50(a)(2), the requirement for the hazard review to include findings from incident investigations. For incident investigations (§§ 68.60 and 68.81), EPA proposes to rescind: Requirements for conducting root cause analysis for incident investigations; for the incident investigation report to have specified added data elements, a schedule to address recommendations, a 12-month completion deadline, and for § 68.60 only, a five-year record retention (EPA notes that the existing rule's five-year record retention requirement at § 68.200 will still apply); and for investigating any incident resulting in catastrophic releases that also results in the affected process being decommissioned or destroyed. In §§ 68.60 and 68.81, EPA also proposes to rescind clarifying text ''(*i.e.,* a near miss)'' that was added to describe an incident that could reasonably have resulted in a catastrophic release. In § 68.60, EPA proposes to change the term investigation ''report(s)'' to ''summary(ies)'' and rescind the requirement for Program 2 processes to establish an incident investigation team consisting of at least one person knowledgeable in the process involved and other persons with experience to investigate an incident.

EPA proposes to rescind employee training requirements (§§ 68.54 and 68.71) that would apply to supervisors responsible for process operations as well as rescind minor wording changes involving description of employees operating a process in § 68.54. EPA proposes to rescind the requirement in § 68.65 for the owner or operator to keep process safety information up-to-date and the requirement in § 68.67(c)(2) for the process hazard analysis to address the findings from all incident investigations required under § 68.81, as well as any other potential failure scenarios. EPA will retain two changes that would revise the term ''Material Safety Data Sheets'' to ''Safety Data Sheets (SDS)'' in §§ 68.48 and 68.65.

Alternatively, EPA proposes to rescind all of the above changes to Subparts C and D except for the requirement in § 68.50(a)(2) for the hazard review to include findings from incident investigations, the term ''report(s)'' in place of the word ''summary(ies)'' in § 68.60, the requirement in § 68.60 for Program 2 processes to establish an incident investigation team consisting of at least one person knowledgeable in the process involved and other persons with experience to investigate an incident, the requirements in §§ 68.54 and 68.71 for training requirements to apply to supervisors responsible for process operations and minor wording changes involving the description of employees operating a process in § 68.54, and the two changes that would revise the term ''Material Safety Data Sheets'' to ''Safety Data Sheets (SDS)'' in §§ 68.48 and 68.65.

EPA proposes to rescind the following definitions in § 68.3: *active measures,*

[1] For descriptions of NAICS codes, see *https://www.census.gov/cgi-bin/sssd/naics/naicsrch.*

[2] RMP Coalition's Petition for Reconsideration and Request for Agency Stay Pending Reconsideration of Final RMP rule (82 FR 4594, January 13, 2017), February 28, 2017. Hogan Lovells US LLP, Washington, DC. Document ID: EPA–HQ–OEM–2015–0725–0759 and

Chemical Safety Advocacy Group (CSAG)'s Petition and Reconsideration and Stay Request of the Final RMP rule (82 FR 4594, January 13, 2017) March 13, 2017, Hunton & Williams, San Francisco, CA, EPA–HQ–OEM–2015–0725–0766 and EPA–HQ–OEM–2015–0725–0765 (supplemental petition).

[3] Petition for Reconsideration and Stay on behalf of States of Louisiana, Arizona, Arkansas, Florida, Kansas, Texas, Oklahoma, South Carolina, Wisconsin, West Virginia, and the Commonwealth of Kentucky with respect to Risk Management Program Final Rule, (82 FR 4594, January 13, 2017), March 14, 2017. State of Louisiana, Department of Justice, Attorney General. EPA–HQ–OEM–2015–0725–0762.

[4] EPA–HQ–OEM–2015–0725–0762.

inherently safer technology or design, passive measures, practicability, and *procedural measures* related to amendments to requirements in § 68.67; *root cause* related to amendments to requirements in § 68.60 and § 68.81, and *third-party audit* related to amendments to requirements in §§ 68.58 and 68.79 and added §§ 68.59 and 68.80.

EPA proposes to modify the local emergency response coordination amendments by deleting the phrase in § 68.93(b), ''. . . and any other information that local emergency planning and response organizations identify as relevant to local emergency response planning'' or alternatively replace it with the phrase ''. . . and other information necessary for developing and implementing the local emergency response plan.'' EPA would retain the requirement for owners or operators to provide the local emergency planning and response organizations with the stationary source's emergency response plan if one exists, emergency action plan, and updated emergency contact information, as well as the requirement for the owner or operator to request an opportunity to meet with the local emergency planning committee (or equivalent) and/or local fire department as appropriate to review and discuss these materials. EPA also proposes to incorporate appropriate classified information and CBI protections to regulated substance and stationary source information required to be provided under § 68.93.

EPA is proposing to modify the exercise program provisions of § 68.96(b), by removing the minimum frequency requirement for field exercises. EPA proposes to establish more flexible scope and documentation provisions for both field and tabletop exercises by only recommending, and not requiring, items specified for inclusion in exercises and exercise evaluation reports, while still requiring documentation of both types of exercises. EPA would retain the notification exercise requirement of § 68.96(a) and the provision for alternative means of meeting exercise requirements of § 68.96(c).

Alternatively, EPA is considering whether to fully rescind the field and tabletop exercise provisions of § 68.96(b). Under this alternative proposal, EPA would retain the notification exercise provision of § 68.96(a), but revise it and § 68.93(b) to remove any reference to tabletop and field exercises, while also modifying the provision in § 68.96(c) for alternative means of meeting exercise requirements so that it applies only to notification exercises.

EPA proposes to rescind the requirements for providing to the public upon request, chemical hazard information and access to community emergency preparedness information in § 68.210 (b) through (d), as well as rescind the requirement to provide the ''other chemical hazard information such as that described in paragraph (b) of this section'' at public meetings required under § 68.210 (e). EPA will retain the requirement in § 68.210 (e) for owner/operator of a stationary source to hold a public meeting to provide accident information required under § 68.42 (b) no later than 90 days after any accident subject to reporting under § 68.42. EPA will retain the change to § 68.210 (a) which added 40 CFR part 1400 as a limitation on RMP availability (addresses restrictions on disclosing RMP offsite consequence analysis under CSISSFRRA),[5] and the provision for control of classified information in § 68.210 (f). EPA proposes to delete the provision for CBI in § 68.210 (g), because the only remaining information required to be provided at the public meeting is the source's five-year accident history, which § 68.151(b)(3) prohibits the owner or operator from claiming as CBI.

EPA proposes to rescind requirements to report in the risk management plan any information associated with the rescinded provisions of third-party audits, incident investigation, safer technology and alternatives analysis, and information availability to the public. EPA proposed to slightly modify the emergency response contact information required by § 68.180(a)(1) to be provided in a facility's RMP.

EPA proposes to delay the rule's compliance dates in § 68.10 to one year after the effective date of a final rule for the emergency coordination provisions, four years after the effective date of a final rule for emergency exercises, two years after the effective date for the public meeting provision and five years after the effective date of the final rule for those remaining risk management plan provisions added as the result of the Amendments rule or changed by the Reconsideration rule. Under the current proposal, owners and operators would be still be required to have exercise plans and schedules meeting the requirements of § 68.96 in place within four years of the effective date of a final rule, but would have up to one additional year to perform their first notification drill, up to three additional years to conduct their first tabletop exercise and no specified deadline for the first field exercise, other than that established by the owner or operator's exercise schedule in coordination with local response agencies.

The CFR amendatory language that appears at the end of this **Federal Register** notice (see PART 68—CHEMICAL ACCIDENT PREVENTION PROVISIONS) proposes changes to the regulatory text that would have included changes from the final RMP Amendments rule if it was in effect. For easier review of the proposed changes, EPA has provided a copy of 40 CFR part 68 with the Amendments rule regulatory text changes in redline/strikeout format, which is available in the rulemaking docket.[6]

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

The Agency's procedures in this rulemaking are controlled by CAA section 307(d). The statutory authority for this action is provided by section 112(r) of the CAA as amended (42 U.S.C. 7412(r)). Each of the portions of the Risk Management Program rule we propose to modify in this document are based on section 112(r) of the CAA as amended (42 U.S.C. 7412(r)). EPA's authority for convening a reconsideration proceeding for certain issues is found under CAA section 307(d)(7)(B) or 42 U.S.C. 7607(d)(7)(B). A more detailed explanation of these authorities can be found in Section II.B. of this preamble, *EPA Authority to Reconsider and Revise the RMP Rule.*

D. What are the incremental costs and benefits of this action?

1. Summary of Potential Cost Savings

Approximately 12,500 facilities have filed current RMPs with EPA and are potentially affected by the proposed rule changes. These facilities range from petroleum refineries and large chemical manufacturers to water and wastewater treatment systems; chemical and petroleum wholesalers and terminals; food manufacturers, packing plants, and other cold storage facilities with ammonia refrigeration systems; agricultural chemical distributors; midstream gas plants; and a limited number of other sources, including Federal installations, that use RMP-regulated substances. Table 2 presents the number of facilities according to the

[5] Chemical Safety Chemical Safety Information, Site Security and Fuels Regulatory Relief Act.

[6] Regulatory Text Redline/Strikeout Changes for Proposed RMP Reconsideration Rule, April 26, 2018.

RMP reporting as of February 2015 by industrial sector and chemical use.

TABLE 2—NUMBER OF AFFECTED FACILITIES BY SECTOR

Sector	NAICS codes	Total facilities	Chemical uses
Administration of environmental quality programs (i.e., governments).	924	1,923	Use chlorine and other chemicals for treatment.
Agricultural chemical distributors/wholesalers	111, 112, 115, 42491	3,667	Store ammonia for sale; some in NAICS 111 and 115 use ammonia as a refrigerant.
Chemical manufacturing	325	1,466	Manufacture, process, store.
Chemical wholesalers	4246	333	Store for sale.
Food and beverage manufacturing	311, 312	1,476	Use—mostly ammonia as a refrigerant.
Oil and gas extraction	211	741	Intermediate processing (mostly regulated flammable substances and flammable mixtures).
Other	44, 45, 48, 54, 56, 61, 72	248	Use chemicals for wastewater treatment, refrigeration, store chemicals for sale.
Other manufacturing	313, 326, 327, 33	384	Use various chemicals in manufacturing process, waste treatment.
Other wholesale	423, 424	302	Use (mostly ammonia as a refrigerant).
Paper manufacturing	322	70	Use various chemicals in pulp and paper manufacturing.
Petroleum and coal products manufacturing	324	156	Manufacture, process, store (mostly regulated flammable substances and flammable mixtures).
Petroleum wholesalers	4247	276	Store for sale (mostly regulated flammable substances and flammable mixtures).
Utilities	221 (except 22131, 22132)	343	Use chlorine (mostly for water treatment).
Warehousing and storage	493	1,056	Use mostly ammonia as a refrigerant.
Water/wastewater Treatment Systems	22131, 22132	102	Use chlorine and other chemicals.
Total		12,542	

Table 3 presents a summary of the annualized cost savings estimated in the regulatory impact analysis.[7] In total, EPA estimates annualized cost savings of $87.9 million at a 3% discount rate and $88.4 million at a 7% discount rate.

TABLE 3—SUMMARY OF ANNUALIZED COST SAVINGS

[Millions, 2015 dollars]

Provision	3%	7%
Third-party Audits	(9.8)	(9.8)
Incident Investigation/Root Cause	(1.8)	(1.8)
STAA	(70.0)	(70.0)
Information Availability	(3.1)	(3.1)
Rule Familiarization (net)	(3.2)	(3.7)
Total Cost Savings*	(87.9)	(88.4)

* Values may not sum due to rounding.

Most of the annual cost savings under the proposed rule are due to the repeal of the STAA provision (annual savings of $70 million), followed by third-party audits (annual savings of $9.8 million), rule familiarization (annual net savings of $3.7 million), information availability (annual savings of $3.1 million), and root-cause incident investigation (annual savings of $1.8 million).

2. Summary of Potential Benefits and Benefit Reductions

The RMP Amendments Rule produced a variety of benefits from prevention and mitigation of future RMP and non-RMP accidents at RMP facilities, avoided catastrophes at RMP facilities, and easier access to facility chemical hazard information. The proposed Reconsideration rule would largely retain the revised local emergency coordination and exercise provisions of the 2017 Amendments final rule, which convey mitigation benefits. The proposed rescission of the prevention program requirements (*i.e.,* third-party audits, incident investigation, STAA), would result in a reduction in the magnitude of these benefits. The proposed rescission of the chemical hazard information availability provision would result in a reduction of the information sharing benefit, although a portion of this benefit from the Amendments rule would still be conveyed by the public meeting, emergency coordination and exercise provisions. The proposed

[7] A full description of costs and benefits for this proposed rule can be found in the ''Regulatory Impact Analysis, Reconsideration of the 2017 Amendments to the Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(7).'' This document is available in the docket for this rulemaking (Docket ID Number EPA–HQ–OEM–2015–0725).

rulemaking would also convey the benefit of improved chemical site security, by modifying previously open-ended information sharing provisions of the Amendments rule that might have resulted in an increased risk of terrorism against regulated sources. See the RIA for additional information on benefits and benefit reductions.

II. Background

A. Events Leading to This Action

On January 13, 2017, the EPA issued a final rule amending 40 CFR part 68, the chemical accident prevention provisions under section 112(r) of the CAA (42 U.S.C. 7412(r)). The amendments addressed various aspects of risk management programs, including prevention programs at stationary sources, emergency response preparedness requirements, information availability, and various other changes to streamline, clarify, and otherwise technically correct the underlying rules. This rulemaking is known as the ''Risk Management Program Amendments'' or ''RMP Amendments'' rule. For further information on the Risk Management Program Amendments, see 82 FR 4594 (January 13, 2017).

On January 26, 2017, the EPA published a final rule delaying the effective date of the Risk Management Program Amendments from March 14, 2017 to March 21, 2017, see 82 FR 8499. This revision to the effective date of the Risk Management Program Amendments was part of an EPA final rule implementing a memorandum dated January 20, 2017, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review.'' This memorandum directed the heads of agencies to postpone, until 60 days after the date of its issuance, the effective date of rules that were published prior to January 20, 2017, but which had not yet become effective.

In a letter dated February 28, 2017, a group known as the ''RMP Coalition,'' submitted a petition for reconsideration of the Risk Management Program Amendments (''RMP Coalition Petition'') as provided for in CAA section 307(d)(7)(B) (42 U.S.C. 7607(d)(7)(B)).[8] Under that provision, the Administrator is to commence a reconsideration proceeding if, in the Administrator's judgement, the petitioner raises an objection to a rule that was impracticable to raise during the comment period or if the grounds for the objection arose after the comment period but within the period for judicial review and if the objection is of central relevance to the outcome of the rule. The Administrator may stay the effective date of the rule for up to three months during such reconsideration. On March 13, 2017, the Chemical Safety Advocacy Group (''CSAG'') also submitted a petition (''CSAG Petition'') for reconsideration and stay (including a March 14, 2017 supplement to the CSAG Petition).[9] On March 14, 2017, the EPA received a third petition for reconsideration and stay from the States of Louisiana, joined by Arizona, Arkansas, Florida, Kansas, Oklahoma, South Carolina, Texas, Wisconsin, West Virginia, and the Commonwealth of Kentucky (the ''States Petition'').[10] The Petitioners CSAG and States also requested that EPA delay the various compliance dates of the Risk Management Program Amendments.

In a letter dated March 13, 2017, the Administrator announced the convening of a proceeding for reconsideration of the Risk Management Program Amendments (a copy of this letter is included in the docket for this rule, Docket ID No. EPA–HQ–OEM–2015–0725).[11] As explained in that letter, having considered the objections raised in the RMP Coalition Petition, the Administrator determined that the criteria for reconsideration have been met for at least one of the objections. EPA issued a three-month (90-day) administrative stay of the effective date of the Risk Management Program Amendments until June 19, 2017 (82 FR 13968, March 16, 2017). EPA subsequently further delayed the effective date of the Risk Management Program Amendments until February 19, 2019, via notice and comment rulemaking (82 FR 27133, June 14, 2017). The purpose of this Delay Rule was to allow EPA to conduct a reconsideration proceeding and to consider other issues that may benefit from additional comment. This proposed rulemaking is the next step in EPA's reconsideration of the Risk Management Program Amendments.

B. EPA Authority To Reconsider and Revise the RMP Rule

1. What are the procedural requirements for reconsidering the RMP Amendments?

Congress granted the EPA the authority for rulemaking on the prevention of chemical accidental releases as well as the correction or response to such releases in subparagraphs (A) and (B) of CAA section 112(r)(7). The scope of this authority is discussed in more detail below. The EPA has used its authority under CAA section 112(r)(7) to issue the RMP Rule (61 FR 31668, June 20, 1996), the 2017 RMP Amendments, and this reconsideration document and proposed rulemaking.

When promulgating rules under CAA section 112(r)(7)(A) and (B), the EPA must follow the procedures for rulemaking set out in CAA section 307(d). See CAA sections 112(r)(7)(E) *and* 307(d)(1)(C). Among other things, section 307(d) sets out requirements for the content of proposed and final rules, the docket for rulemakings, requirement to provide an opportunity for oral testimony on the proposed rulemaking, the length of time for comments, and judicial review. Only objections raised with reasonable specificity during the public comment period may be raised during judicial review.

Section 307(d) has a provision that requires the EPA to convene a reconsideration proceeding when the person makes an objection that meets specific criteria set out in CAA section 307(d)(7)(B). The statute provides:

> If the person raising an objection can demonstrate to the Administrator that it was impracticable to raise such objection within [the comment period] or if the grounds for such objection arose after the period for public comment (but within the time period specified for judicial review) and if such objection is of central relevance to the outcome of the rule, the Administrator shall convene a proceeding for reconsideration of the rule and provide the same procedural rights as would have been afforded had the information been available at the time the rule was proposed.

As noted in the Background section above, when several parties petitioned for reconsideration of the 2017 RMP Amendments, the Administrator found that at least one objection the petitioners raised met the specific criteria for mandatory reconsideration and therefore he convened a proceeding for reconsideration under CAA section

[8] RMP Coalition's Petition for Reconsideration and Request for Agency Stay Pending Reconsideration of Final RMP rule (82 FR 4594, January 13, 2017), February 28, 2017. Hogan Lovells US LLP, Washington, DC. Document ID: EPA–HQ–OEM–2015–0725–0759.

[9] Chemical Safety Advocacy Group (CSAG)'s Petition and Reconsideration and Stay Request of the Final RMP rule (82 FR 4594, January 13, 2017) March 13, 2017, Hunton & Williams, San Francisco, CA, EPA–HQ–OEM–2015–0725–0766 and EPA–HQ–OEM–2015–0725–0765 (supplemental petition).

[10] Petition for Reconsideration and Stay on behalf of States of Louisiana, Arizona, Arkansas, Florida, Kansas, Texas, Oklahoma, South Carolina, Wisconsin, West Virginia, and the Commonwealth of Kentucky with respect to Risk Management Program Final Rule, (82 FR 4594, January 13, 2017), March 14, 2017. State of Louisiana, Department of Justice, Attorney General. EPA–HQ–OEM–2015–0725–0762.

[11] EPA–HQ–OEM–2015–0725–0758

307(d)(7)(B). While section 307(d)(7)(B) sets out criteria for when the Agency must conduct a reconsideration, the Agency has the discretion to reopen, revisit, amend and revise a rule under the rulemaking authority granted in CAA section 112(r)(7) by following the procedures of CAA 307(d) at any time, including while it conducts a reconsideration proceeding required by CAA section 307(d)(7)(B). In light of the fact that EPA must already grant petitioners ''the same procedural rights as would have been afforded had the information been available at the time the rule was proposed,'' it is efficient to conduct a discretionary amendment proceeding simultaneously with the reconsideration proceeding.

2. What is EPA's substantive authority under Clean Air Act section 112(r)(7)?

Congress granted EPA authority for accident prevention rules under two provisions in CAA section 112(r)(7). Under subparagraph (A) of CAA section 112(r)(7), EPA may set rules addressing the prevention, detection, and correction of accidental releases of substances listed by EPA by rule (''regulated substances'' listed in the tables in 40 CFR 68.130). Such rules may include data collection, training, design, equipment, work practice, and operational requirements. EPA has wide discretion regarding the effective date (''as determined by the Administrator, assuring compliance as expeditiously as practicable'').

Under subparagraph (B) of CAA section 112(r)(7), Congress authorized EPA to develop ''reasonable regulations and appropriate guidance'' that provide for the prevention and detection of accidental releases and the response to such releases, ''to the greatest extent practicable.'' Congress required an initial rulemaking under this subparagraph by November 15, 1993. Subparagraph (B) sets out a series of mandatory subjects to address, interagency consultation requirements, and discretionary provisions that allowed EPA to tailor requirements to make them reasonable and practicable. For example, the regulations needed to address ''storage, as well as operations'' and ''emergency response after accidental releases;'' EPA was to use the expertise of the Secretaries of Labor and Transportation in promulgating the regulations; and EPA had the discretion (''shall, as appropriate'') to recognize differences in ''size, operations, processes . . . and the voluntary actions'' of regulated sources to prevent and respond to accidental releases (CAA section 112(r)(7)(B)(i)). At a minimum, the regulations had to require stationary sources with more than a ''threshold quantity to prepare and implement a risk management plan.'' Such plans needed to provide for compliance with rule requirements under CAA section 112(r) and include a hazard assessment with release scenarios and an accident history, a release prevention program, and a response program (CAA section 112(r)(7)(B)(ii)). Plans were to be registered with EPA and submitted to various planning entities (CAA section 112(r)(7)(B)(iii)). The rules would apply to sources three years after promulgation or three years after a substance was first listed for regulation under CAA section 112(r). (CAA section 112(r)(7)(B)(i)).

In addition to the direction to use the expertise of the Secretaries of Labor and Transportation in subparagraph (B) of CAA section 112(r)(7), the statute required EPA to consult with these secretaries when carrying out the authority of CAA section 112(r)(7) and to ''coordinate any requirements under [CAA section 112(r)(7)] with any requirements established for comparable purposes by'' OSHA. (CAA section 112(r)(7)(D)). This consultation and coordination language derives from and expands upon provisions on hazard assessments in the bill that eventually passed the Senate as its version of the 1990 CAAA, section 129(e)(4) of S. 1630. The Senate committee report on this language notes that the purpose of the coordination requirement is to ensure that ''requirements imposed by both agencies to accomplish the same purpose are not unduly burdensome or duplicative.'' Senate Report at 244.[12] The mandate for coordination in the area of safer chemical processes was incorporated into the CAA in section 112(r)(7)(D) in the same legislation that Congress directed OSHA to promulgate a process safety standard that became the PSM standard. See CAAA of 1990 section 304.

The RMP Amendments and this reconsideration address three aspects of the Risk Management Program: Requirements for prevention programs, emergency response provisions, and information disclosure. The prevention program provisions proposed to be rescinded in this document (auditing, incident investigation, and safer technologies and alternatives analysis) address the ''prevention and detection of accidental releases.'' The emergency coordination and exercises provisions in this rule modify existing provisions that provide for ''response to such releases by the owners or operators of the sources of such releases.'' The information disclosure provisions proposed to be rescinded or modified in this document are related to the development of ''procedures and measures for emergency response after an accidental release of a regulated substance in order to protect human health and the environment.''[13] (CAA section 112(r)(7)(B)(i)).

In considering whether it is legally permissible for the Agency to rescind and/or modify provisions of the RMP Amendments rule while continuing to meet EPA's obligations under CAA section 112(r), EPA notes that the CAA did not require EPA to promulgate the RMP Amendments rule. There are four provisions of CAA section 112(r) that require or authorize the Administrator to promulgate regulations. The first two relate to the list of regulated substances and their threshold quantities. CAA section 112(r)(3) required EPA to promulgate a list of at least 100 regulated substances. Section 112(r)(5) required EPA to establish, by rule, a threshold quantity for each listed substance. EPA met these obligations in 1994 with the publication of the list of regulated substances and threshold quantities (59 FR 4493, January 31, 1994). Section 112(r)(7) contains the other two regulatory provisions. Section 112(r)(7)(B) required EPA to publish accidental release prevention, detection, and response requirements and guidance (''. . . the Administrator shall promulgate reasonable regulations and appropriate guidance to provide, to the greatest extent practicable, for the prevention and detection of accidental releases of regulated substances and for response to such releases by the owners or operators of the sources of such releases''). EPA met this obligation in 1996 with the publication of the original RMP rule (61 FR 31668, June 20, 1996), and associated guidance documents published in the late 1990s. The other regulatory promulgation provision of section 112(r)(7)—section 112(r)(7)(A)—is permissive. Subparagraph (A) authorizes EPA to promulgate regulations but does not require it.

Therefore, EPA had met all of its regulatory obligations under section 112(r) prior to promulgating the RMP

[12] Clean Air Act Amendments of 1989, Report of the Committee on Environment and Public Works, U.S. Senate together with Additional and Minority Views to Accompany S. 1630. S. Report No. 101–228. 101st Congress, 1st Session, December 20, 1989.—''Senate Report'' EPA–HQ–OEM–2015–0725–0645.

[13] Incident investigation, compliance auditing, and STAA are also authorized as release prevention requirements pertaining to stationary source ''design, equipment . . . and work practice'' as well as ''record-keeping [and] reporting.'' Information disclosure is also authorized as ''reporting.'' CAA section 112(r)(7)(A).

Amendments rule. In promulgating the RMP Amendments rule, EPA took a discretionary regulatory action in response to Executive Order 13650, ''Improving Chemical Safety and Security.'' [14] We have made discretionary amendments to the RMP rule several times without a dispute over our authority to issue discretionary amendments. See 64 FR 964 (January 6, 1999); 64 FR 28696 (May 26, 1999); 69 FR 18819 (April 9, 2004). As EPA's action in the RMP Amendments rule was discretionary, the Agency may take additional action to rescind or modify provisions of the RMP Amendments rule if the Agency finds that it is reasonable to do so.

C. Overview of EPA's Risk Management Program Regulations

EPA's existing RMP regulation was published in two stages. The Agency published the list of regulated substances and TQs in 1994 (59 FR 4478, January 31, 1994) (the ''list rule'') [15] and published the RMP final regulation, containing risk management requirements for covered sources, in 1996 (61 FR 31668, June 20, 1996) (the ''RMP rule'').[16] [17] Subsequent modifications to the list rule and RMP rule were made as discussed in the Amendments Rule (82 FR 4594, January 13, 2017 at 4600). Prior to development of EPA's 1996 RMP rule, OSHA published their Process Safety Management (PSM) standard in 1992 (57 FR 6356, February 24, 1992), as required by section 304 of the 1990 CAAA, using its authority under 29 U.S.C. 653. The OSHA PSM standard can be found in 29 CFR 1910.119. Both the OSHA PSM standard and the EPA RMP rule aim to prevent or minimize the consequences of accidental chemical releases through implementation of management program elements that integrate technologies, procedures, and management practices. In addition to requiring implementation of management program elements, the RMP rule requires covered sources to submit (to EPA) a document summarizing the source's risk management program—called a Risk Management Plan (or RMP).

The EPA's risk management program requirements include conducting a worst-case scenario analysis and a review of accident history, coordinating emergency response procedures with local response organizations, conducting a hazard assessment, documenting a management system, implementing a prevention program and an emergency response program, and submitting a risk management plan that addresses all aspects of the risk management program for all covered processes and chemicals. A process at a source is covered under one of three different prevention programs (Program 1, Program 2 or Program 3) based on the threat posed to the community and the environment. Program 1 has minimal requirements and is for processes not classified in industrial sectors [18] specified for Program 3, that have not had an accidental release with offsite consequences in the last five years prior to submission of the source's risk management plan, and that have no public receptors within the worst case release scenario vulnerable zone for the process. Program 3 has the most requirements and applies to processes covered by the OSHA PSM standard (but not eligible for RMP Program 1) or classified in specified industrial sectors. Program 2 has fewer requirements than Program 3, and applies to any process not covered under Programs 1 or 3. Programs 2 and 3 both require a hazard assessment, a prevention program and an emergency response program, although Program 2 requirements are less extensive and more streamlined. For example, the Program 2 prevention program was intended to cover simpler processes located at smaller businesses and does not require the following process safety elements: management of change, pre-startup review, contractors, employee participation and hot work permits. The Program 3 prevention program is fundamentally identical to the OSHA PSM standard and designed to cover those processes in the chemical industry. For further explanation and comparison of the PSM standard and RMP requirements, see the ''Process Safety Management and Risk Management Plan Comparison Tool'' published by OSHA and EPA in October 2016.[19]

III. Proposed Changes

A. Rescind Incident Investigation, Third-Party Audit, Safer Technology and Alternatives Analysis (STAA), and Other Prevention Program Amendments

In this section, EPA discusses the proposed changes to the RMP Amendments rule, but explanations of the rationale for most changes are discussed later in Section IV. *Rationale for Rescissions and Modifications.* Because many of the changes are being proposed for the same reason, presenting the rationale separately eliminates redundant discussion and allows rationale discussion to be organized by topic (*i.e.* OSHA coordination, security risks, cost reduction).

In the RMP Amendments rule, EPA added three major provisions to the accident prevention program of Subparts C (for Program 2 processes) and D (for Program 3 processes). These included:

(1) A requirement in § 68.60 and § 68.81 for all facilities with Program 2 or 3 processes to conduct a root cause analysis using a recognized method as part of an incident investigation of a catastrophic release or an incident that could have reasonably resulted in a catastrophic release (*i.e.,* a near-miss).

(2) Requirements in § 68.58 and § 68.79 for regulated facilities with Program 2 or Program 3 processes to contract with an independent third-party, or assemble an audit team led by an independent third-party, to perform a compliance audit after the facility has an RMP reportable accident or when an implementing agency requires a third-party audit due to conditions at the stationary source that could lead to an accidental release of a regulated substance, or when a previous third-party audit failed to meet the specified competency or independence criteria. Requirements were established in new § 68.59 and § 68.80 for third-party auditor competency, independence, and responsibilities and for third-party audit reports and audit findings response reports.

(3) A requirement in § 68.67(c)(8) for facilities with Program 3 regulated processes in North American Industrial Classification System (NAICS) codes 322 (paper manufacturing), 324

[14] See 82 FR 4594, January 13, 2017: ''Section 6(c) of Executive Order 13650 requires the Administrator of EPA to review the chemical hazards covered by the Risk Management Program and expand, implement and enforce the Risk Management Program to address any additional hazards.''

[15] Documents and information related to development of the list rule can be found in the EPA docket for the rulemaking, docket number A–91–74.

[16] Documents and information related to development of the RMP rule can be found in EPA docket number A–91–73.

[17] 40 CFR part 68 applies to owners and operators of stationary sources that have more than a TQ of a regulated substance within a process. The regulations do not apply to chemical hazards other than listed substances held above a TQ within a regulated process.

[18] See ten industry NAICS codes listed at § 68.10(d)(1) representing pulp mills, petroleum refineries, petrochemical manufacturing, alkalies and chlorine manufacturing, all other basic inorganic chemical manufacturing, cyclic crude and intermediates manufacturing, all other basic chemical manufacturing, plastic material and resin manufacturing, nitrogenous fertilizer manufacturing and pesticide and other agricultural chemicals manufacturing.

[19] Available at *https://www.osha.gov/chemicalexecutiveorder/psm_terminology.html.*

(petroleum and coal products manufacturing), and 325 (chemical manufacturing) to conduct a safer technology and alternatives analysis (STAA) as part of their process hazard analysis (PHA). This required the owner or operator to address safer technology and alternative risk management measures applicable to eliminating or reducing risk from process hazards; to consider, in the following order or preference, inherently safer technologies, passive measures, active measures and procedural measures while using any combination of risk management measures to achieve the desired risk reduction; and to evaluate the practicability of any inherently safer technologies and designs considered.

(4) The RMP Amendments rule also made several other minor changes to the Subparts C and D prevention program requirements. These included the following:

- § 68.48 Safety information—changed requirement in subparagraph (a)(1) to maintain Safety Data Sheets (SDS) in lieu of Material Safety Data Sheets.
- § 68.50 Hazard review—added language to existing subparagraph (a)(2) to require hazard reviews to include findings from incident investigations when identifying opportunities for equipment malfunctions or human errors that could cause an accidental release.
- §§ 68.54 and 68.71 Training—changed description of employee(s) ''operating a process'' to ''involved in operating a process'' in § 68.54 paragraphs (a) and (b), and changed ''operators'' to ''employees involved in operating a process'' in § 68.54 (d). EPA also added paragraph (e) in § 68.54 and paragraph (d) in § 68.71 to make employee training requirements also apply to supervisors responsible for directing process operations (under § 68.54) and supervisors with process operational responsibilities (under § 68.71).
- §§ 68.58 and 68.79 Compliance audits—changes to paragraph (a) for Program 2 and Program 3 provisions added language to clarify that the owner or operator must evaluate compliance with each covered process every three years.
- §§ 68.60 and 68.81 Incident investigation—made the following changes: Revised paragraph (a) in both sections by adding clarifying text ''(*i.e.,* a near miss)'' to describe an incident that could reasonably have resulted in a catastrophic release; revised paragraph (a) in both sections to require investigation when an incident resulting in catastrophic releases also results in the affected process being decommissioned or destroyed; added paragraph (c) to § 68.60 to require for Program 2 processes, incident investigation teams to be established and consist of at least one person knowledgeable in the process involved and other persons with appropriate knowledge and experience to thoroughly investigate and analyze the incident; redesignated paragraphs (c) through (f) in § 68.60 as paragraphs (d) through (g); revised redesignated paragraph (d) in § 68.60 and paragraph (d) in § 68.81 to require an incident investigation report to be prepared and completed within 12 months of the incident, unless the implementing agency approves, in writing, an extension of time, and added paragraph (g) in § 68.60 to require investigation reports to be retained for five years; and in § 68.60 replaced the word ''summary'' in redesignated paragraph (d) with ''report.'' The following changes were made in both paragraph (d) of § 68.81 and redesignated paragraph (d) of § 68.60 to specify additional required contents of the investigation report: revised paragraph (d)(1) to include time and location of the incident; revised paragraph (d)(3) to require that description of incident be in chronological order, with all relevant facts provided; redesignated and revised paragraph (d)(4) into paragraph (d)(7) to require that the factors that contributed to the incident include the initiating event, direct and indirect contributing; added new paragraph (d)(4) to require the name and amount of the regulated substance involved in the release (*e.g.* fire, explosion, toxic gas loss of containment) or near miss and the duration of the event; added new paragraph (d)(5) to require the consequences, if any, of the incident including, but not limited to: injuries, fatalities, the number of people evacuated, the number of people sheltered in place, and the impact on the environment; added new paragraph (d)(6) to require the emergency response actions taken; and redesignated and revised paragraph (d)(5) of § 68.81 and paragraph (c)(5) of § 68.60 into paragraphs (d)(8) of both sections to require that the investigation recommendations have a schedule for being addressed.
- § 68.65 Process safety information—change to paragraph (a) required the owner or operator to keep process safety information up-to-date; change to Note to paragraph (b) revised the term ''Material Safety Data Sheets'' to ''Safety Data Sheets (SDS).''
- § 68.67 Process hazard analysis—change to subparagraph (c)(2) added requirement for PHA to address the findings from all incident investigations required under § 68.81, as well as any other potential failure scenarios.
- § 68.3 Definitions—added definitions for terms *active measures, inherently safer technology or design, passive measures, practicability,* and *procedural measures* related to amendments to requirements in § 68.67. Added definition of *root cause* related to amendments to requirements in § 68.60 and § 68.81. Added definition for term *third-party audit* related to amendments to requirements in § 68.58 and added § 68.59.

EPA now proposes to rescind all of the above changes, with the exception of the two changes that would revise the term ''Material Safety Data Sheets'' to ''Safety Data Sheets (SDS)'' in §§ 68.48 and 68.65. This includes deleting the words ''for each covered process'' from the compliance audit provisions in § 68.58 and § 68.79, which apply to RMP Program 2 and Program 3, respectively. EPA proposes to rescind the requirements to report the following data elements in the risk management plan: in § 68.170 (i), whether the most recent compliance audit was a third-party audit, pursuant to §§ 68.58 and 68.59; in § 68.175 (k), whether the most recent compliance audit was a third-party audit, pursuant to §§ 68.79 and 68.80; and in § 68.175 (e)(7), inherently safer technology or design measures implemented since the last PHA, if any, and the technology category (substitution, minimization, simplification and/or moderation). In § 68.175(e), EPA proposes to rescind the Amendments rule's deletion of the expected date of completion of any changes resulting from the PHA for program 3 facilities. Adding back this requirement would revert reporting of the PHA information in the risk management plan to what is currently required by the existing in-effect rule. This would also be consistent with the similar § 68.170 (e) requirement for Program 2 facilities to report the expected date of completion of any changes resulting from the hazard review, a requirement that was not deleted in the Amendments rule. EPA also proposes to rescind the requirement in § 68.190 (c), that prior to de-registration, the owner or operator shall meet applicable reporting and incident investigation requirements in accordance with §§ 68.42, 68.60 and/or 68.81.

Alternatively, EPA proposes to rescind all of the above changes, except for the following:

• Requirement in § 68.50(a)(2) for the hazard review to include findings from incident investigations;

• Retain the term ''report(s)'' in place of the word ''summary(ies)'' in § 68.60;

• Requirement in § 68.60 for Program 2 processes to establish an incident investigation team consisting of at least one person knowledgeable in the process involved and other persons with experience to investigate an incident;

• Requirements in §§ 68.54 and 68.71 for training requirements to apply to supervisors responsible for process operations and minor wording changes involving the description of employees operating a process in § 68.54; and,

• Retain the two changes that would revise the term ''Material Safety Data Sheets'' to ''Safety Data Sheets (SDS)'' in §§ 68.48 and 68.65.

EPA requests public comment on the Agency's proposal to rescind and modify the prevention requirements of the RMP Amendments rule, as well as the alternatives described above.

B. Rescind Information Availability Amendments

In the RMP Amendments rule, EPA added several new provisions to § 68.210—Availability of information to the public. These included:

(1) A requirement for the owner or operator to provide, upon request by any member of the public, specified chemical hazard information for all regulated processes, as applicable, including:

• Names of regulated substances held in a process,

• SDSs for all regulated substances located at the facility,

• Accident history information required to be reported under § 68.42,

• Emergency response program information, including whether or not the source responds to releases of regulated substances, name and phone number of local emergency response organizations, and procedures for informing the public and local emergency response agencies about accidental releases,

• A list of scheduled exercises required under § 68.96 (*i.e.,* new emergency exercise provisions of the RMP Amendments rule), and;

• Local Emergency Planning Committees (LEPC) contact information;

(2) A requirement for the owner or operator to provide ongoing notification on a company website, social media platforms, or through other publicly accessible means that the above information is available to the public upon request, along with the information elements that may be requested and instructions for how to request the information, as well as information on where members of the public may access information on community preparedness, including shelter-in-place and evacuation procedures;

(3) A requirement for the owner or operator to provide the requested chemical hazard information within 45 days of receiving a request from any member of the public, and;

(4) A requirement to hold a public meeting to provide accident information required under § 68.42 as well as other relevant chemical hazard information, no later than 90 days after any accident subject to reporting under § 68.42.

Additionally, the RMP Amendments rule added provisions to § 68.210 to address classified information and confidential business information (CBI) claims for information required to be provided to the public, and made a minor change to the existing paragraph (a) RMP availability, to add a reference to 40 CFR part 1400 for controlling public access to RMPs.

EPA now proposes for security reasons to rescind the requirements for providing to the public upon request, chemical hazard information and access to community emergency preparedness information in § 68.210 (b) through (d), as well as rescind the requirement to provide the ''other chemical hazard information such as that described in paragraph (b) of this section'' at public meetings required under § 68.210(e). Alternatively, EPA proposes to rescind all of the information elements in § 68.210 (b) through (d), as well as rescind the requirement to provide the ''other chemical hazard information such as that described in paragraph (b) of this section'' at public meetings required under § 68.210(e), except for the requirement in § 68.210(b)(5) for the owner or operator to provide a list of scheduled exercises required under § 68.96. EPA will retain the requirement in § 68.210(e) for owner/operator of a stationary source to hold a public meeting to provide accident information required under § 68.42 no later than 90 days after any accident subject to reporting under § 68.42, but clarifying that the information to be provided is the data listed in § 68.42(b). This data would be provided for only the most recent accident, and not for previous accidents covered by the 5-year accident history requirement of § 68.42(a). EPA will retain the change to paragraph (a) ''RMP availability'' which added availability under 40 CFR part 1400 (addresses restrictions on disclosing RMP offsite consequence analysis under the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (CSISSFRRA).[20] The provisions for classified information in § 68.210(f) will also be retained but are separately proposed to be incorporated into the emergency response coordination section of the rule. EPA proposes to delete the provision for CBI in § 68.210(g), because the only remaining provision for public information availability in this section (other than the provision for RMP availability) is the requirement to provide at a public meeting, the information required in the source's five-year accident history, which § 68.151(b)(3) prohibits the owner or operator from claiming as CBI. EPA proposes to rescind the requirements in § 68.160(b)(21) to report in the risk management plan, the method of communication and location of the notification that hazard information is available to the public, pursuant to § 68.210(c). EPA requests public comment on the Agency's proposal to rescind and modify the public information availability requirements of the RMP Amendments rule, as well as the alternatives described above.

C. Modify Local Coordination Amendments

In the RMP Amendments rule, EPA required owners or operators of ''responding'' and ''non-responding'' stationary sources to perform emergency response coordination activities required under new § 68.93. These activities included coordinating response needs at least annually with local emergency planning and response organizations, as well as documenting these coordination activities. The RMP Amendments rule required coordination to include providing to the local emergency planning and response organizations the stationary source's emergency response plan if one exists, emergency action plan, updated emergency contact information, and any other information that local emergency planning and response organizations identify as relevant to local emergency response planning. For responding stationary sources, coordination must also include consulting with local emergency response officials to establish appropriate schedules and plans for field and tabletop exercises required under § 68.96(b). Owners or operators of responding and non-responding sources are required to request an opportunity to meet with the local emergency planning committee (or equivalent) and/or local fire department as appropriate to review and discuss these materials.

[20] EPA–HQ–OEM–2015–0725–0135.

EPA now proposes to modify the local coordination amendments by deleting the phrase in § 68.93(b), ''. . . and any other information that local emergency planning and response organizations identify as relevant to local emergency response planning.'' Alternatively, EPA proposes to change this phrase to read: ''other information necessary for developing and implementing the local emergency response plan.'' Under both alternatives, EPA also proposes to incorporate appropriate classified information and CBI protections to regulated substance and stationary source information required to be provided under § 68.93.

EPA is retaining the requirement in § 68.95(a)(1)(i) for responding facilities to update their facility emergency response plans to include appropriate changes based on information obtained from coordination activities, emergency response exercises, incident investigations or other information. In addition, EPA will retain the requirement in § 68.95(4) that emergency response plan notification procedures must inform appropriate Federal and state emergency response agencies, as well as local agencies and the public.

EPA proposes to retain language in § 68.93(b) referring to field and tabletop exercise schedules and plans with a proposal to retain some form of field and tabletop exercise requirement. Alternatively, in conjunction with an alternative proposal to rescind field and tabletop exercise requirements (see ''Modify exercise amendments'' below), the Agency also proposes to rescind this language.

EPA is proposing no other changes to the local coordination requirements of the RMP Amendments rule. Under either alternative proposed above, the following provisions would remain unchanged: The provisions of paragraph (b) requiring coordination to include providing to the local emergency planning and response organizations the stationary source's emergency response plan if one exists, emergency action plan, and updated emergency contact information, as well as the requirement for the owner or operator to request an opportunity to meet with the local emergency planning committee (or equivalent) and/or local fire department as appropriate to review and discuss these materials. For provisions of the RMP Amendments that we propose to retain, we continue to rely on the rationale and responses we provided when we promulgated the Amendments. See 81 FR 13671–74 (proposed RMP Amendments rule), March 14, 2016, 82 FR 4653–58 (final RMP Amendments rule), January 13, 2017. EPA requests public comment on the Agency's proposal to modify the local coordination requirements of the RMP Amendments rule, as well as the alternatives described above.

D. Modify Exercise Amendments

In the RMP Amendments rule, EPA added a new section entitled § 68.96 Emergency response exercises. This section contained several new provisions, including:

- *Notification exercises:* At least once each calendar year, the owner or operator of a stationary source with any Program 2 or Program 3 process must conduct an exercise of the stationary source's emergency response notification mechanisms.
  - Owners or operators of responding stationary sources are allowed to perform the notification exercise as part of the tabletop and field exercises required in new § 68.96(b).
  - The owner/operator must maintain a written record of each notification exercise conducted over the last five years.
- *Emergency response exercise program:* The owner or operator of a responding stationary source must develop and implement an exercise program for its emergency response program.
  - Exercises must involve facility emergency response personnel and, as appropriate, emergency response contractors.
  - The emergency response exercise program must include field and tabletop exercises involving the simulated accidental release of a regulated substance.
  - Under the RMP Amendments rule, the owner or operator is required to consult with local emergency response officials to establish an appropriate frequency for exercises, but at a minimum, the owner or operator must hold a tabletop exercise at least once every three years, and a field exercise at least once every ten years.
  - Field exercises must include tests of procedures to notify the public and the appropriate Federal, state, and local emergency response agencies about an accidental release; tests of procedures and measures for emergency response actions including evacuations and medical treatment; tests of communications systems; mobilization of facility emergency response personnel, including contractors, as appropriate; coordination with local emergency responders; emergency response equipment deployment; and any other action identified in the emergency response program, as appropriate.
  - Tabletop exercises must include discussions of procedures to notify the public and the appropriate Federal, state, and local emergency response agencies; procedures and measures for emergency response including evacuations and medical treatment; identification of facility emergency response personnel and/or contractors and their responsibilities; coordination with local emergency responders; procedures for emergency response equipment deployment; and any other action identified in the emergency response plan, as appropriate.
- For both field and tabletop exercises, the RMP Amendments rule requires the owner or operator to prepare an evaluation report within 90 days of each exercise. The report must include a description of the exercise scenario, names and organizations of each participant, an evaluation of the exercise results including lessons learned, recommendations for improvement or revisions to the emergency response exercise program and emergency response program, and a schedule to promptly address and resolve recommendations.
- The RMP Amendments rule also contains a provision for alternative means of meeting exercise requirements, which allows the owner or operator to satisfy the requirement to conduct notification, field and/or tabletop exercises through exercises conducted to meet other Federal, state or local exercise requirements, or by responding to an actual accidental release.

EPA is now proposing to modify the exercise program provisions of § 68.96(b), as requested by state and local response officials, by removing the minimum frequency requirement for field exercises and establishing more flexible scope and documentation provisions for both field and tabletop exercises. Under this proposal, EPA would retain the final RMP Amendments rule requirement for the owner or operator to attempt to consult with local response officials to establish appropriate frequencies and plans for field and tabletop exercises. The minimum frequency for tabletop exercises would remain at three years. However, there would be no minimum frequency specified for field exercises in order to reduce burden on regulated facilities and local responders as explained in rationale section IV. D. 5. Costs of Field and Tabletop Exercises. Documentation of both types of exercises would still be required, but the items specified for inclusion in exercises and exercise evaluation

reports under the RMP Amendments rule would be recommended, and not required. The content of exercise evaluation reports would be left to the reasonable judgement of stationary source owners or operators and local emergency response officials. As described in the RMP Amendments rule, if local emergency response officials declined the owner or operator's request for consultation on and/or participation in exercises, the owner or operator would be allowed to unilaterally establish appropriate frequencies and plans for the exercises (provided that the frequency for tabletop exercises does not exceed three years), and conduct exercises without the participation of local emergency response officials. Likewise, if local emergency response officials and the facility owner or operator cannot agree on the appropriate frequency and plan for an exercise, owners and operators must still ensure that exercises occur and should establish plans to execute the exercises on their own. The RMP Amendments rule does not require local responders to participate in any of these activities, nor would this proposal.

This proposal would not alter the notification exercise requirement of § 68.96(a) or the provision for alternative means of meeting exercise requirements of § 68.96(c). EPA proposes to correct an error in § 68.96(b)(2)(i) related to the frequency of tabletop exercises by proposing to replace the phrase ''shall conduct a field exercise every three years'' with ''shall conduct a tabletop exercise every three years.'' For provisions of the RMP Amendments that we propose to retain, we continue to rely on the rationale and responses we provided when we promulgated the Amendments. See 81 FR 13674–76 (proposed RMP Amendments rule), March 16, 2016 and 82 FR 4659–67 (final RMP Amendments rule), January 13, 2017. In summary, EPA found that exercising an emergency response plan is critical to ensure that response personnel understand their roles, that local emergency responders are familiar with the hazards at the facility, and that the emergency response plan is appropriate and up-to-date. Exercises also ensure that personnel are properly trained and lessons learned from exercises can be used to identify future training needs. Poor emergency response procedures during some recent accidents have highlighted the need for facilities to conduct periodic emergency response exercises. Other EPA and federal agency programs and some state and local regulations require emergency response exercises.

Alternatively, EPA is considering whether to fully rescind the field and tabletop exercise provisions of § 68.96(b). Under this alternative proposal, EPA would retain the notification exercise provision of § 68.96(a), but revise it and § 68.93(b) to remove any reference to tabletop and field exercises, while also modifying the provision in § 68.96(c) for alternative means of meeting exercise requirements so that it applies only to notification exercises.

EPA is also considering another alternative—to remove the minimum frequency requirement for field exercises, but retain all remaining provisions of the RMP Amendments rule regarding field and tabletop exercises, including the RMP Amendments rule requirements for exercise scope and documentation.

EPA requests public comment on the Agency's proposal to modify the exercise requirements of the RMP Amendments rule, as well as the alternatives described above.

E. Revise Emergency Response Contacts Provided in RMP

EPA proposes to modify the emergency response contact information required to be provided in a facility's RMP. In § 68.180(a)(1) of the Amendments rule, EPA required the owner or operator to provide the name, organizational affiliation, phone number, and email address of local emergency planning and response organizations with which the stationary source last coordinated emergency response efforts. EPA now proposes to modify this requirement to read: ''Name, phone number, and email address of local emergency planning and response organizations. . . .''

F. Revise Compliance Dates

In the RMP Amendments rule, EPA required compliance with the new provisions as follows:

- Required compliance with emergency response coordination activities by March 14, 2018;
- Required compliance with the emergency response program requirements of § 68.95 within three years of when the owner or operator initially determines that the stationary source is subject to those requirements;
- Required compliance with other major provisions (*i.e.,* third-party compliance audits, root cause analyses and other added requirements to incident investigations, STAA, emergency response exercises, and information availability provisions), unless otherwise stated, by March 15, 2021; and;
- Required the owner or operator to correct or resubmit their RMP to reflect new and revised data elements promulgated in the RMP Amendments rule by March 14, 2022.

EPA did not specify compliance dates for the other minor changes to the Subpart C and D prevention program requirements. Therefore, under the RMP Amendments rule, compliance with these provisions was required on the effective date of the RMP Amendments rule. EPA now proposes to extend compliance dates as follows:

- For emergency response coordination activities, EPA proposes to require compliance by one year after the effective date of a final rule.
- For emergency response exercises, EPA proposes to require owners and operators to have exercise plans and schedules meeting the requirements of § 68.96 in place by four years after the effective date of a final rule. EPA also proposes to require owners and operators to have completed their first notification drill by five years after the effective date of a final rule, and to have completed their first tabletop exercise by 7 years after the effective date of a final rule. Under this proposal, there would be no specific compliance date specified for field exercises, because field exercises would be conducted according to a schedule developed by the owner or operator in consultation with local emergency responders.
- For corrections or resubmissions of RMPs to reflect reporting on new and revised data elements (public meeting information and emergency response program and exercises), EPA proposes to require compliance by five years after the effective date of a final rule.
- For third-party audits, STAA, root cause analyses and other new provisions of the RMP Amendments rule for incident investigations and chemical hazard information availability and notice of availability of information, as well as other minor changes to the Subpart C and D prevention program requirements (except for the two changes that would revise the term ''Material Safety Data Sheets'' to ''Safety Data Sheets (SDS)'' in §§ 68.48 and 68.65), EPA is proposing to rescind these provisions. However, if a final rule does not rescind these provisions, EPA proposes to require compliance with any of these provisions that are not rescinded, by four years after the effective date of a final rule.
- For the public meeting requirement in § 68.210(b), EPA proposes to require compliance by two years after the effective date of a final rule.

• EPA is retaining the requirement to comply with the emergency response program requirements of § 68.95 within three years of when the owner or operator initially determines that the stationary source is subject to those requirements.

For provisions of the RMP Amendments that we propose to retain, we continue to rely on the rationale and responses we provided when we promulgated the Amendments. See 81 FR 13686–91 proposed RMP Amendments rule), March 14, 2016 and 82 FR 4675–80 (final RMP Amendments rule), January 13, 2017. In summary, EPA found that one year was sufficient to arrange and document coordination activities, three years was needed to comply with emergency response program requirements, four years was necessary to comply with exercise provisions, and five years was necessary to update risk management plans.

Three years to develop an emergency response program is necessary for facility owners and operators to understand the requirements, arrange for emergency response resources and train personnel to respond to an accidental release. Compliance with emergency coordination requirements could require up to one year because some facilities who have not been regularly coordinating will need time to get familiar with the new requirements, while having some flexibility in scheduling and preparing for coordination meetings with local emergency response organizations whose resources and time for coordination may be limited. A shorter timeframe may be difficult to comply with, especially for RMP sources whose local emergency organization has many RMP sources in their jurisdiction who are trying to schedule coordination meetings with local responders at the same time.

For the emergency exercises, EPA is proposing a four year compliance time for developing exercise plans and schedules, an additional year for conducting the first notification exercise, and an additional three years for conducting the first tabletop exercise, because EPA believes that additional time is necessary for sources to understand the new requirements for notification, field and tabletop exercises, train facility personnel on how to plan and conduct these exercises, coordinate with local responders to plan and schedule exercises, and carry out the exercises. Additional time will also provide owners and operators with flexibility to plan, schedule, and conduct exercises in a manner which is least burdensome for facilities and local response agencies. Also, EPA plans to publish guidance for emergency response exercises and once these materials are complete, owners and operators will need time to familiarize themselves with the materials and use them to plan and develop their exercises. If local emergency response organizations are to be able to participate in the field and tabletop exercises, sufficient time is needed to accommodate any time or resource limitations local responders might have not only for participating in exercises, but for helping to plan them.

For the public meeting requirement in § 68.210(b), EPA proposes to require compliance by two years after the effective date of a final rule. The RMP Amendments rule allows four years for compliance for the public meeting which was consistent with the compliance date for other information to be required to the public by § 68.210. However, EPA is proposing to remove the requirement to provide to the public the chemical hazard information in § 68.210 (b), the notice of availability of information in § 68.210(c) and the timeframe for providing information 68.210(d) as well proposing to remove the requirement to provide the chemical hazard information in § 68.210 (b) at the public meeting. The stationary source would be required to provide the chemical accident data elements specified in § 68.42, data which should already be familiar to the source because this information is currently required to be reported in their risk management plan. Thus, two years should be enough time for facilities to be prepared to provide the required information at a public meeting after an RMP reportable accident. EPA seeks comment on whether a sooner compliance date is more appropriate.

With regard to the five-year compliance date for updating RMPs with newly-required information, EPA is proposing this time frame because EPA will need time to revise its RMP submission guidance for any provisions finalized and also to revise its risk management plan submission system, RMP*eSubmit, to include additional data elements. Sources will not be able to update risk management plans until the revised RMP*eSubmit system is ready. Also, once the software is ready, some additional time is needed to allow sources to update their risk management plans while preventing potential problems with thousands of sources submitting updated risk management plans on the same day.

G. Corrections to Cross Referenced CFR Sections

EPA proposes to correct CFR section numbers that are cross referenced in certain sections of the rule because these were changes necessitated by addition and redesignation of paragraphs pertaining to provisions in the Amendments rule but were overlooked at the time. Table 4 contains a list of these corrections.

TABLE 4—CORRECTIONS TO CROSS REFERENCED SECTION NUMBERS

In section:	Change in section reference
68.12(b)	68.10(b) should be 68.10(g).
68.12(c)	68.10(c) should be 68.10(h).
68.12(d)	68.10(d) should be 68.10(i).
68.12(b)(4)	68.10(b)(1) should be 68.10(g)(1).
68.96(a)	68.90(a)(2) should be 68.90(b)(3).
68.180(a)(1) ...	68.10(f)(3) should be 68.10(g)(3).
68.215(a)(2)(i)	68.10(a) should be 69.10(a) through (f).

IV. Rationale for Rescissions and Modifications

A. Maintain Consistency in Accident Prevention Requirements

In both the RMP Coalition Petition and the CSAG Petition, the petitioners seek reconsideration of the RMP Amendments based on what they view as either EPA's failure to coordinate with OSHA and DOT as required by paragraph (D) of CAA section 112(r)(7) or at least inadequate coordination. For example, CSAG's petition comments: [21]

> Stakeholders have repeatedly asked EPA why it is pursuing this effort in isolation when Congress directed it to coordinate any requirements under Clean Air Act Section 112(r) with certain industry standards, and with those issued for comparable purposes by OSHA and U.S. Department of Transportation (DOT). This directive to coordinate was repeated in E.O. 13650 (footnotes omitted).

The RMP Coalition notes that OSHA had been reexamining the PSM standard under E.O. 13650 but ''ha[d] yet to complete the PSM standard rulemaking process and the timeframe for that regulation is unclear.'' [22]

1. What was EPA's approach to coordination with other agencies prior to E.O. 13650?

Both EPA's 40 CFR part 68 RMP regulation and OSHA's 29 CFR 1910.119

[21] CSAG Petition, pg. 25, document ID: EPA–HQ–OEM–2015–0725–0766.

[22] RMP Coalition Petition, pg. 19, Document ID: EPA–HQ–OEM–2015–0725–0759.

PSM standard were authorized under the Clean Air Act Amendments of 1990. Both the OSHA PSM standard and the EPA RMP rule aim to prevent or minimize the consequences of accidental chemical releases and protect workers, the community and the environment through implementation of management program elements that integrate technologies, procedures and management practices. EPA's RMP regulation has a large overlap with the PSM standard and both were written to complement each other in accomplishing these Congressional goals.

The 1996 Risk Management Program rule and the related notice and supplemental notice of proposed rulemaking (60 FR 13526, March 13, 1995) not only mention and reflect consultations with both DOT and DOL–OSHA, but also show close coordination between the PSM standard and the EPA program. In the proposed Risk Management Program rule, EPA proposed that all sources subject to EPA's rules comply with a prevention program based on the PSM standard. See 58 FR 54190, 54195–96 (October 20, 1993). The preamble to the proposed rulemaking contained an explanation of the differences between PSM standard and the Risk Management Program and a section-by-section comparison. *Id.* at 54203–05. In EPA's view, ''[e]xcept for the management system requirement . . . , the proposed EPA prevention program covers the same elements as OSHA's [PSM standard] and generally uses identical language except where the statutory mandates of the two agencies dictate differences.'' *Id.* at 54204. EPA retained a PSM standard-based prevention program (tier) in its supplemental proposal. See 60 FR 13526, March 13, 1995 at 13529. In the 1996 final rule, EPA placed all PSM standard-covered processes that were subject to EPA's Risk Management Program in program 3 for prevention (unless the process was eligible for Program 1), and adopted language in program 3 that even more closely tracked PSM than had the proposal. See 61 FR 31668, June 20, 1996 at 31672–3, 31677, 31686–8, 31692–3, 31696–7, 31708 and 31711–12. Those differences in provisions between program 3 and the PSM standard that did exist were driven by statutory terms. See 61 FR 31668, June 20, 1996 at 31672, 31687, and 31696.

Measures taken by sources to comply with the OSHA PSM standard for any process that meets OSHA's PSM standard are sufficient to comply with the prevention program requirements of all three Programs.[23] The Program 3 prevention program finalized in 1996 includes requirements of the OSHA PSM standard 29 CFR 1910.119 (c) through (m) and (o), with minor wording changes to address statutory differences. This makes it clear that one accident prevention program to protect workers, the general public, and the environment will satisfy both OSHA and EPA.[24] These prevention program requirements in Program 3 cover employee participation, process safety information, process hazard analysis, operating procedures, training, contractors, pre-startup safety review, mechanical integrity, hot work permits, management of change, incident investigation, and compliance audits.

Other provisions of the 1996 rule as well as subsequent amendments to the Risk Management Program reflect coordination with DOT. EPA has relied on DOT definitions for key terms and allowed compliance with the hazardous material regulations to satisfy requirements of EPA's program. See 61 FR 31668, June 20, 1996 at 31700, 63 FR 640, January 6, 1998, and 64 FR 28696, May 26, 1999 at 28698. The coordination with other agencies in the Risk Management Program helped to minimize burden and avoided requiring unduly duplicative and distinct compliance programs addressing the same matters. In short, whenever possible, compliance with one agency's program was compliance with all.

2. What was EPA's approach to coordination under E.O. 13650 during the development of the RMP Amendments?

EPA adopted a somewhat inconsistent approach to the consultation and coordination requirement in developing the Risk Management Program Amendments of 2017. After the West Fertilizer fire and explosion on April 17, 2013, EPA and OSHA, (along with DHS) as members of the Chemical Facility Safety and Security Working Groups established by Executive Order 13650, continued to consult with each other on their overlapping programs as they considered changes to existing chemical safety and security regulations. EPA and OSHA discussed options for changes to the RMP regulations and the OSHA PSM standard, respectively, in the May 2014 document entitled ''Executive Order 13650 Report to the President—Actions to Improve Chemical Facility Safety and Security—A Shared Commitment.''[25] In justifying its pre-regulatory ''Request for Information'' notice that raised for discussion potential amendments to the risk management program, EPA noted that E.O. 13650 had directed OSHA to publish an RFI on potentially amending the PSM standard, cited the coordination requirement of CAA section 112(r)(7)(D), and found that ''[t]his RFI will allow EPA to evaluate any potential updates to the RMP regulation *in parallel to OSHA's evaluation of potential updates* to the PSM standard.'' 79 FR 44604, July 31, 2014 at 44605 (emphasis added). Nevertheless, when EPA proceeded to rulemaking, we pushed forward with finalizing amendments to the Risk Management Program before OSHA had evaluated all of the information before it and before EPA had an understanding of OSHA's future actions. In other words, when EPA proceeded with its rulemaking, we no longer emphasized proceeding *in parallel.*

Several commenters were critical about EPA's approach to coordination with OSHA and other agencies during the development of the RMP Amendments. Many advanced theories of OSHA ''primacy'' in the area of process safety and that EPA had impermissibly regulated workplace safety in violation of the statute. See Amendments RTC at 15–16,[26] see also *id.* for EPA's responses. Others claimed EPA failed to coordinate with OSHA and should cease its rulemaking until it did so. See Amendments RTC at 249–51. Generally, EPA responded by providing information on meetings and other interactions with OSHA during the rule development. *Id.;* see 82 FR 4594, January 13, 2017 at 4601. However, some commenters made the more specific criticism that EPA should have deferred proceeding with the RMP Amendments until OSHA had a parallel proposed rule amending the PSM standard available. Amendments RTC at 249–50. In response, EPA noted that each agency had distinct rulemaking procedures and that the 1990 CAA Amendments allowed for and contemplated each agency to proceed with rulemaking on different schedules. *Id.* at 251. Furthermore, EPA noted that OSHA had completed an advisory small

[23] 61 FR 31671, June 20, 1996. EPA final rule for Accidental Release Prevention Requirements: Risk Management Programs under the CAA, Section 112(r)(7).

[24] 61 FR 31672, June 20, 1996.

[25] Chemical Facility Safety and Security Working Group. May 2014. E. O. 13650 Report to the President—Actions to Improve Chemical Facility Safety and Security—A Shared Commitment. EPA, Department of Labor, Department of Homeland Security, Department of Justice, Department of Agriculture and Department of Transportation (DOT). Washington, DC, EPA–HQ–OEM–2015–0725–0246.

[26] EPA–HQ–OEM–2015–0725–0729 in the docket.

business panel proceeding on its potential PSM standard amendments, and we expressed the belief that the two agencies did not need to proceed on identical timelines. *Id.* at 232. Our responses were generally focused on the legal permissibility of proceeding on separate schedules rather than the policy wisdom of doing so.

3. What is EPA's proposed approach to ''coordination'' in this reconsideration?

Under Clean Air Act section 112(r)(7)(D), although Congress has conveyed to EPA discretion regarding how it should coordinate with OSHA, Congress's intent is clear that EPA coordinate its program with the other agencies' where possible. Accordingly, although at times divergence between the RMP rule and the PSM standard may make sense given the agencies' different missions, both agencies generally have tried to minimize confusion and burden on the regulated community by minimizing divergence. The RMP Amendments constitute a divergence from that longstanding practice: Although EPA has regularly communicated and coordinated with OSHA on its prevention program and process safety efforts so far, EPA proceeded to promulgate the RMP Amendments before understanding OSHA's path forward in this area and before understanding whether any divergence is reasonable for EPA.

After further consideration, EPA believes it did not give sufficient weight to the value of coordination with OSHA and focused too much on its legal authority to proceed independently. EPA now proposes to determine that a more sensible approach would be to have a better understanding of what OSHA will be doing in this area before revising the RMP accident prevention program. Thus, EPA proposes to rescind the RMP accident prevention amendments pending further action by OSHA. This approach would allow the two programs' process safety requirements to remain aligned as much as possible so that the regulated community may have a better understanding of what to do to comply while reducing unnecessary complexity and cost. Having consistency between required safe practices and common understanding of requirements should help industry to comply with the PSM standard and RMP rule and improve the effectiveness of accident prevention efforts.

This approach would better fulfill the Congressional purpose of coordination between the two agencies while maximizing consistency and ease of implementation of regulatory requirements. It is also responsive to concerns from stakeholders about our approach to coordination under the Amendments rule. We intend to allow for a better understanding of OSHA's plan for changes to the PSM standard before proposing any future changes to our rule.

While EPA has amended the Risk Management Program several times after 1996 without corresponding OSHA amendments to its PSM standard, these changes did not involve the prevention program provisions, thus precluding any need for coordination with OSHA. The Risk Management Program Amendments of 2017 were the first time we had issued post-1996 amendments that were significant due to costs and deemed major for purposes of the Congressional Review Act. Under these circumstances, we think that our approach to the 1996 RMP rule, where we attempted to either maintain consistent language with the PSM standard or carefully justify our departure, is a better approach. Our record shows the 2017 Amendments have significant costs and are discretionary. Given the flexibility in CAA section 112(r)(7), EPA may thus make a policy choice to conduct EPA's rulemaking proceedings to improve the RMP program after we have a better understanding of OSHA's timing of comment opportunities, content of amendments, and implementation schedules. EPA proposes to place greater weight than it did in promulgating the Amendments on the policy importance of coordinating with OSHA and not adopting significant changes to the risk prevention aspects of the RMP rule that diverge from OSHA's requirements until we have a better understanding of OSHA's path forward.

The reasonableness of this approach to coordination can be seen in both EPA's and OSHA's experiences conducting outreach to small entities as both agencies prepared to develop amendments to the RMP rule and the PSM standard. For EPA, we must ''take into consideration the concerns of small business in promulgating regulations under [CAA section 112(r)].'' CAA section 112(r)(7)(C). During the fall/winter of 2015, EPA convened an Small Business Advocacy Review (SBAR) panel to obtain advice and recommendations from Small Entity Representatives (SERs) that were potentially subject to the proposed RMP amendments. The SBAR panel report on the proposed RMP amendments under consideration contains the small entity comments and recommendations to the EPA Administrator from the three panel members (EPA, Small Business Administration Office of Advocacy, and the OMB Office of Information and Regulatory Affairs).[27] EPA published its proposed rulemaking on the RMP amendments on March 14, 2016 (81 FR 13638).

During the summer of 2016, OSHA initiated a Small Business Advocacy Review Panel in order to get feedback on several potential revisions to OSHA's Process Safety Management Program (PSM) standard. Some potential revisions tracked EPA's RMP Amendments, which were in the proposed rule stage, while others were not included in the Amendments. OSHA also considered a number of minor modifications which largely codify existing OSHA interpretations of the PSM standard. OSHA completed their SBAR Panel Final Report in August 2016.[28]

OSHA may or may not adopt amendments discussed in the SBAR Panel Report. EPA believes it would be prudent to understand OSHA's path forward in this area before owners and operators are required to implement changes under the RMP rule in order to decide whether any divergence from OSHA's PSM standard is reasonable for EPA. One example of potential divergence between the OSHA PSM standard and the RMP rule would be in the requirement for third-party audits. The August 2016 OSHA SBAR panel report did not fully support third-party audits. Instead the SBAR panel recommended further review of the need and benefits of third-party audits; the sufficient availability, adequate process knowledge and degree of independence needed of third-party auditors; and whether facilities should decide the best type of audit appropriate for their process.

EPA believes that we should not retain and put into effect changes to the prevention aspects of the Risk Management Program until we have a better understanding of OSHA's plans for the PSM standard changes so that we may move forward in a more coordinated fashion with regulatory changes that improve process safety performance and reduce accidents without causing undue burden and regulatory conflicts. Therefore, EPA is

[27] EPA/OMB/SBA. February 19, 2016. Small Business Advocacy Review Panel Report on EPA's Planned Proposed Rule: Risk Management Modernization Rule. Letter to EPA Administrator with Executive Summary (EPA–HQ–OEM–2015–0725–0030), Final Report (EPA–HQ–OEM–2015–0725–0032), and Appendix B Written Comments Submitted by SERs (EPA–HQ–OEM–2015–0725–0031).

[28] OSHA. August 1, 2016. Process Safety Management (PSM) SBREFA Panel Final Report. OSHA–2013–0020–0116.

proposing to rescind the prevention requirements of the RMP Amendments rule applicable to both Program 2 and Program 3 processes in order to better understand OSHA's path forward for similar issues our sister agency is still evaluating. We propose to rescind the RMP Amendment provisions for incident investigation, third-party compliance audits, STAA, and various minor changes impacting subpart C and D of the RMP rule. Although the pre-amendment RMP Program 3 requirements were consistent with OSHA PSM standard, the RMP Program 2 regulations were slightly different by design, as explained earlier, providing less rigorous requirements and recordkeeping for Program 2 facilities. In contrast to Program 3 processes, small businesses make up a greater percentage of the processes subject to Program 2. Therefore, EPA also proposes to rescind any changes made to Program 2 prevention program elements to keep the Program 2 requirements less burdensome than those of Program 3, maintaining the pre-amendment RMP requirements for Program 2 facilities and the pre-amendment balance of burdens on smaller entities. EPA also proposes to rescind the words ''for each covered process'' from the compliance audit provisions in §§ 68.58 and 68.79, which apply to RMP Program 2 and Program 3, respectively, in order to prevent unnecessary divergence from language in compliance audits in the OSHA PSM standard.

As an alternative to rescinding the Amendments rule changes to the Program 2 and Program 3 prevention program provisions as proposed above, EPA is considering rescinding all of the above changes except for the requirement in § 68.50(a)(2) for the hazard review to include findings from incident investigations, the term ''report(s)'' in place of the word ''summary(ies)'' in § 68.60, the requirement in § 68.60 for Program 2 processes to establish an incident investigation team consisting of at least one person knowledgeable in the process involved and other persons with experience to investigate an incident, the requirements in §§ 68.54 and 68.71 for training requirements to apply to supervisors responsible for process operations and minor wording changes involving the description of employees operating a process in § 68.54, and the two changes that would revise the term ''Material Safety Data Sheets'' to ''Safety Data Sheets (SDS)'' in §§ 68.48 and 68.65.

The reason that EPA is considering this alternative is that these changes would not affect the consistency of the Program 3 prevention program requirements with the OSHA PSM standard. With the exception of the amendment to the training requirements (and the SDS provisions, which are minor terminology changes), these provisions would affect only the Program 2 prevention requirements. Also, retaining these changes would not make these Program 2 provisions more rigorous than their Program 3 counterparts, thus maintaining the rule's current model where Program 2 requirements are generally more streamlined than the comparable Program 3 requirements. Regarding the change to the Program 3 training requirement, as EPA noted in the proposed Amendments rule, EPA has traditionally interpreted the training provisions of §§ 68.54 and 68.71 to apply to any worker that is involved in operating a process, including supervisors. This is consistent with the OSHA definition of employee set forth at 29 CFR 1910.2(d) (see 81 FR 13686, Monday, March 14, 2016). Therefore, retaining this change may make the RMP Program 3 training provision even more consistent with the comparable provision of the PSM standard.

EPA requests comments on its proposal to rescind the changes made in the Program 2 and Program 3 prevention program provisions of the final RMP Amendments rule, including the alternative described above. Should investigation of Program 2 processes be required to have a team (of at least two people) with expertise in the process and investigation methods in order to thoroughly investigate and analyze the causes of incidents, even if the requirement to specifically conduct a root causes analysis is rescinded? Should Program 2 process investigations at least require investigation be performed by someone with expertise in the process?

B. Address Security Concerns

1. Emergency Response Coordination

EPA discussed the need for enhanced RMP local coordination provisions in the proposed Amendments rule. See 81 FR 13671, March 14, 2016. In summary, although there is substantial overlap between EPCRA requirements and RMP local coordination requirements, EPA found that some facilities who had indicated they do not have an RMP emergency response plan had not properly coordinated response actions with local authorities. State and local officials echoed these same concerns. In the final rule, EPA finalized enhanced local coordination provisions to address these concerns, while clarifying source's obligations for coordination, including specific information that must be communicated to local responders during annual coordination activities. In addition, EPA finalized the requirements to conduct field and tabletop exercises and stipulations for scope, frequency and documentation of exercises. Facilities must consult with local emergency response officials to establish appropriate schedules and plans for these exercises. EPA proposes to retain these requirements while addressing security concerns raised by petitioners. In all three petitions requesting reconsideration of the RMP Amendments rule, petitioners objected to the rule language in § 68.93(b) requiring local emergency response coordination to include providing to the local emergency planning and response organizations ''. . . any other information that local emergency planning and response organizations identify as relevant to local emergency response planning.'' All Petitioners noted that the language was new to the final rule (*i.e.,* it was not contained in the Amendments as proposed), broad, and posed potential security concerns. Petitioner CSAG identified a particular problem with the new disclosure provision: By relocating the disclosure provision from section § 68.205 in the proposal to section § 68.93, EPA had moved it to a section of the RMP rule that did not have specific procedures for handling CBI claims, and, CSAG argued, the protection in the RMP rule for classified information in section 68.210(f) did not clearly apply to disclosures under section 68.93(b).

Petitioners have correctly noted that EPA incorporated the language at issue in order to address concerns, including security concerns, raised by various commenters over EPA's proposed RMP Amendments rule (81 FR 13638, March 14, 2016), which among other things proposed to add new § 68.205 to require owners and operators of all RMP-regulated facilities to provide certain information to Local Emergency Planning Committees (LEPCs) or local emergency response officials upon request. In response to these concerns, EPA, without acknowledging any inconsistency with the Chemical Facility Anti-Terrorism Standard or other regulatory structure, did not finalize § 68.205 of the proposed rulemaking in the final Amendments rule. Instead we required that the owner or operator to provide ''any other information that local emergency planning and response organizations identify as relevant to local emergency

planning'' in § 68.93. Any claims for Chemical-terrorism Vulnerability Information (CVI) could then be handled on a case-by-case basis by the stationary source, the LEPC, DHS and others, as appropriate.

In effect, petitioners are saying not only that EPA's final rule solution to the security concerns created by proposed § 68.205 did not fix the problem—it actually made it worse. After further review, EPA acknowledges that the petitioners' concerns have merit. Section 68.205 from the proposed RMP Amendments rule listed specific items of information that the owner or operator must provide to the LEPC or local emergency response officials upon request, but it did not include an open-ended provision for ''any other information that local emergency planning and response organizations identify as relevant to local emergency response planning.'' By including such a provision in the final RMP Amendments rule, EPA may have inadvertently opened the door to local emergency officials requesting and receiving security-sensitive information even beyond the specific items included in § 68.205 of the proposed RMP Amendments about which petitioners and others had raised concerns.

Petitioners have also correctly noted that by locating the final rule's local responder information availability provision in § 68.93, EPA removed any protections for CBI. Items requested under the proposed amendment to § 68.205 (but not included in final Amendments rule) would have benefited from the inclusion in that section of paragraphs (d) *Classified information,* and (e) *CBI,* but these paragraphs do not appear in § 68.93 of the final rule. EPA did not intend to eliminate CBI protection—it was an inadvertent consequence of relocating the local responder information availability provision to § 68.93.

EPA disagrees with the Petitioners' assertion that the protection for classified information in § 68.210(f) would not apply to all provisions of the RMP rule, including disclosures under § 68.93(b). This provision, which is simply a recodification of former § 68.210(b), has always applied to all provisions under the RMP rule since it was adopted in 1996. Nevertheless, EPA proposes removal of the new broad information disclosure provision in § 68.93(b) as proposed to avoid any unnecessary disputes between LEPCs and holders of classified information over the scope of § 68.210(f) (to be redesignated § 68.210(b)).

EPA's proposed deletion of the phrase in § 68.93(b), ''. . . any other information that local emergency planning and response organizations identify as relevant to local emergency response planning'' would solve the problem with the open-ended disclosure provision. This is EPA's preferred option, as the Agency believes that the remaining language in § 68.93 will still ensure that local responders obtain the information they need while avoiding potential security concerns associated with the deleted provision. Even with this change, § 68.93 still requires the owner and operator to provide local responders with the names and quantities of regulated substances at the stationary source, the risks presented by covered processes, and the resources and capabilities at the stationary source to respond to an accidental release of a regulated substance, as well as the stationary source's emergency response plan if one exists; emergency action plan; and updated emergency contact information. Responding stationary sources would still be required to consult with local emergency response officials to establish appropriate schedules and plans for field and tabletop exercises required under § 68.96(b), and all stationary source owners or operators would still be required to request an opportunity to meet with the LEPC (or equivalent) and/or local fire department as appropriate to review and discuss the information.

EPA's alternative proposal—to replace the phrase ''. . . any other information that local emergency planning and response organizations identify as relevant to local emergency response planning'' with the phrase, ''other information necessary for developing and implementing the local emergency response plan,'' opts to use language virtually identical to that used in Emergency Planning and Community Right-to-Know Act (EPCRA) section 303(d)(3), [42 U.S.C. 11003(d)(3)]. That provision of EPCRA states: ''Upon request from the emergency planning committee, the owner or operator of the facility shall promptly provide information to such committee necessary for developing and implementing the emergency plan.'' This language also appears in § 68.95(c) of the version of the RMP rule currently in effect, which applies to facilities with Program 2 and Program 3 processes whose employees respond to accidental releases of regulated substances. Therefore, as a result of either the EPCRA section 303(d)(3) provision or the provision in § 68.95(c), most RMP facilities have long been subject to this requirement, and applying it to the relatively few RMP facilities that are not already subject to it under EPCRA section 303(d)(3) or § 68.95(c) should not create any security vulnerabilities.

Under both alternatives, EPA's proposal to incorporate CBI and classified information protections to regulated substance and stationary source information provided under § 68.93 is intended to address petitioners' concerns regarding these issues. Incorporating a CBI provision in this section of the rule will emphasize the facility owner or operator's right to protect CBI. EPA notes that the RMP rule already authorizes the owner or operator of an RMP-regulated facility to assert CBI claims for information submitted in the RMP required under subpart G that meets the requirements of 40 CFR 2.301, with some limitations (*e.g.* five-year accident history information and emergency response program information required to be reported in source's RMP cannot be claimed as CBI). EPA's proposal would relocate the CBI provision of § 68.210(g) of the final RMP Amendments rule to § 68.93, which would allow CBI claims for emergency response coordination information in the same manner as required in §§ 68.151 and 68.152 for information contained in the RMP. EPA's proposal would also replicate the classified information provisions of § 68.210(f) of the final RMP Amendments rule in § 68.93, which would require that the disclosure of emergency response coordination information classified by the Department of Defense or other Federal agencies or contractors of such agencies be controlled by applicable laws, regulations, or executive orders concerning the release of classified information.[29] While the provision in § 68.210 (to be restored to § 68.210(b)) protects classified information for all information disclosure under the RMP rule, we believe replicating this language in § 68.93 will avoid unnecessary disputes between LEPCs and holders of classified information.

EPA requests public comments on its proposed changes to the emergency response coordination activities section of the RMP Amendments final rule. Does deleting the phrase in § 68.93(b) ''. . . any other information that local emergency planning and response organizations identify as relevant to local emergency response planning'' resolve petitioners' security concerns without denying important emergency

[29] The classified information provisions of § 68.210(f) would also remain within § 68.210, but be renumbered to § 68.210(b), which is where they appear within the currently-in-effect rule.

planning information to local emergency responders?

Would EPA's alternate proposal, which replaces this language with, ''other information necessary for developing and implementing the local emergency response plan'' better resolve the issue by limiting additional information to that necessary for developing the local response plan?

If stakeholders believe the alternative language also presents new security concerns, how is it that this language has not caused such concerns in relation to its presence in EPCRA section 303(d)(3) or in § 68.95(c) of the currently in-effect RMP rule? Does EPA's proposal to incorporate the classified information provision of § 68.210(f) into § 68.93 limit the potential for disputes between holders of classified information and LEPCs over the scope of the general protection against disclosure of classified information in section 68.210? Does EPA's proposal to incorporate the CBI provisions of § 68.210(g) into § 68.93 appropriately address petitioners' concerns that these issues were not addressed in the emergency response coordination provisions of the final RMP Amendments rule?

2. Information Availability

Notwithstanding EPA efforts to address security concerns raised in public comments on the RMP Amendments, petitioners remain concerned about the potential for the information made available under § 68.210 of the RMP Amendments rule to be used by criminals or terrorists to target facilities for attack. Petitioner CSAG stated, ''By providing unfettered access to information by local response organizations without safeguards, and by requiring disclosure of extensive facility information to the public upon request, EPA has done nothing to protect sensitive facility information.'' [30]

The States Petition enumerates the States' specific concerns with public information availability provisions, including that there is no screening process for requesters or limitations on the use or distribution of information, and that the provisions potentially conflict with other anti-terrorism laws, and others.[31]

Linking its objection to the BATF finding that the West Fertilizer incident was due to criminal conduct, Petitioner RMP Coalition suggests: [32]

> For example, EPA might have focused its proposal on enhanced security measures for facilities, strict scrutiny of the type of information that should be disclosed to LEPCs or the public, protections for that information, prohibitions against using any sensitive information from these facilities to cause harm to the public or the environment, or screening measures for third parties with access to the facility and its sensitive information.

In the proposed RMP Amendments rule, under § 68.210 EPA proposed to require the owner or operator to distribute to the public in an easily accessible manner, such as on a company website, the following information:

- Names of regulated substances held in a process;
- SDSs for all regulated substances at the facility;
- The facility's five-year accident history required under § 68.42;
- Emergency response program information concerning the source's compliance with § 68.10(b)(3) or the emergency response provisions of subpart E, including:
  - Whether the source is a responding stationary source or a non-responding stationary source;
  - Name and phone number of local emergency response organizations with which the source last coordinated emergency response efforts, pursuant to § 68.180; and
  - For sources subject to § 68.95, procedures for informing the public and local emergency response agencies about accidental releases.
- Information on emergency response exercises required under § 68.96, including schedules for upcoming exercises, reports for completed exercises as described in § 68.96(b)(3), and any other related information; and
- LEPC contact information, including LEPC name, phone number, and website address as available.

In the final Amendments rule, EPA made only one change to this list—EPA revised the exercise information element to require the owner or operator to provide a list of scheduled exercises required under § 68.96, rather than the additional exercise information that was proposed. In so doing, EPA noted that, ''The information required to be disclosed by this rule largely draws on information otherwise in the public domain and simplified the public's access to it.'' EPA further stated, ''Other statutes and regulatory programs, or other provisions of the risk management program, require the stationary source to assemble the information that the rule would make available upon request (*e.g.,* accident history, SDSs, and aspects of the emergency response program).'' (82 FR 4668, January 13, 2017).

Noting that many commenters on the proposed RMP Amendments rule had objected to the proposed public information availability provisions because, they argued, those provisions had the potential to create a security risk, EPA's primary method of addressing commenters' concerns was to require facility owners and operators to notify the public that certain information is available upon request, and only provide the information after receiving such a request. EPA indicated that this would ''allow community members an opportunity to request chemical hazard information from a facility, so they can take measures to protect themselves in the event of an accidental release, while allowing facility owners and operators to identify who is requesting the information.'' (82 FR 4668, January 13, 2017).

Petitioners' comments summarized above indicate that EPA in the final amendments may not have struck the appropriate balance between various relevant policy concerns, including information availability, community right to know, minimizing facility burden, and minimizing information security risks. EPA agrees with petitioners that requiring unlimited disclosure of the chemical hazard information elements required under the RMP Amendments may create additional policy concerns, particularly with regard to the potential security risks created by disclosing such information.

A related concern not specifically raised by petitioners, but which EPA is now considering, is whether the synthesis of the required information disclosure elements could create an additional security risk for facilities. EPA had not previously considered that the combination of mandatory disclosure elements as required under the Amendments is generally not already available to the public from any single source. EPA believes that the synthesis of the required chemical hazard and facility information may present a more comprehensive picture of the vulnerabilities of a facility than would be apparent from any individual element, and that therefore requiring it to be made more easily available to the public from a single source (*i.e.,* the facility itself) could increase the risk of a terrorist attack on some facilities. For example, if a facility is required to disclose in synthesis and in one public source that it has experienced frequent accidental releases involving large quantities of highly toxic or flammable chemicals, does not maintain an on-site

[30] CSAG Petition, pgs. 6–7. Document ID: EPA–HQ–OEM–2015–0725–0766.

[31] States Petition, pgs. 3–4. Document ID: EPA–HQ–OEM–2015–0725–0762.

[32] RMP Coalition Petition, pg. 16, Document ID: EPA–HQ–OEM–2015–0725–0759.

response capability, and is located a long distance away from the nearest public responders, the synthesis of this information might allow a criminal or terrorist to identify a relatively ''softer'' facility target for attack, or a target that if attacked could cause more damage to the facility and surrounding community due to a less timely response.

EPA's proposal to rescind the public information availability provisions would address this concern, as well as petitioners' and other commenters concerns about the lack of any appeals or vetting process for members of the public requesting facility information. Information on most of the required disclosure elements would still be available via other means, such as through an LEPC, by visiting a Federal RMP reading room, or making a request under the Freedom of Information Act (FOIA). FOIA requests require a name and U.S. state or territory address to receive information.[33] Federal Reading Rooms require photo identification issued by a Federal, state, or local government agency such as a driver's license or passport.[34] These requirements to accurately identify the party requesting the information may provide a deterrent to those who seek to obtain chemical information for a facility for terrorist purposes without unduly impeding access to the information by those in the nearby community with a right-to-know. The current provisions in § 68.210 do not specify that requestors provide any particular identification. For example, if a facility is providing access to the required information by responding to email requests, requestors could receive information via email without verification of their true identity. While EPA's intent was to give the local community access to information ''by facilitating public participation at the local level'' and ''allow people that live and work near a regulated facility to improve their awareness of risks to the community and to be prepared to protect themselves in the event of an accidental release'' (82 FR 4668, January 13, 2017), the provisions have no limitation on the location or address of the requestors or whether the requestor must provide an accurate identification of their name and address. A justification cannot be made for those outside of the community to know, for example, a schedule of upcoming exercises, for the purpose intended.

EPA requests comments on its proposal to rescind the public information availability requirements of the final RMP Amendments rule. As an alternative to rescinding all of the public information elements, EPA request comments on rescinding all except the information on exercise schedules. If EPA maintains a field exercise requirement in the final rule, information on upcoming facility exercises would be the only item of information required to be disclosed in § 68.210(b) that is not already available from another source, and EPA maintains that providing the local community with this information could avoid unnecessary public concerns or panic during facility exercises.

Another element of publicly available information is the RMP information about local emergency response organizations. In § 68.180(a)(1) of the Amendments rule, EPA required the owner or operator to provide the name, organizational affiliation, phone number, and email address of local emergency planning and response organizations with which the stationary source last coordinated emergency response efforts. EPA now proposes to modify this requirement to read: ''Name, phone number, and email address of local emergency planning and response organizations . . . .'' This change would clarify that the Agency is only requiring organization-level information about local emergency planning and response organizations, and that facilities are not required to provide information about individual local emergency responders in order to reduce the amount of personally identifiable information available in facility RMPs. This could help avoid criminals or terrorists targeting individual emergency responders through identifying them using the publicly available portions of facility's RMPs.

3. Public Meeting After an Accident

The public meeting requirement in § 68.210(e) requires the owner/operator of a stationary source to ''hold a public meeting to provide accident information required under § 68.42 as well as other relevant chemical hazard information, such as that described in paragraph (b) of this section, no later than 90 days after any accident subject to reporting under § 68.42.'' The requirement to provide ''other relevant chemical hazard information'' could be interpreted to be an overly broad requirement for information, similar to the requirement to provide ''any other information that local emergency planning and response organizations identify as relevant to local emergency response planning'' to LEPCs, which EPA is now proposing to rescind. ''Information, such as that described in paragraph (b) of this section'' is referring to the same chemical hazard information that is required to be provided upon request to the public. As discussed in section IV.B.2. of this preamble ''Information Availability'', all three of the petitioners had security concerns with providing this type of information with no screening process for requesters or limitations on the use or distribution of information. Based on the reasoning provided in sections IV.B.1 and 2 of this preamble, EPA proposes to rescind the requirement to provide at the public meeting ''other relevant chemical hazard information, such as that described in paragraph (b) of this section.''

CSAG's petition[35] cited additional concerns with the public meeting requirement:

> The requirement to hold a public meeting within 90 days after any reportable accident is overly broad. It is not necessary for facilities to hold a public meeting every time that a release occurs. EPA provided no evidence that public meetings were requested or needed and not held under pre-existing rules. Often a release does not warrant a public meeting and the expense should not be imposed automatically. See CSAG Proposed Rule Comments, at pg. 17.

A public meeting is not required under the 2017 Amendments every time that a release occurs, but only after an accident occurs that is subject to reporting under § 68.42. Those are accidents that resulted in deaths, injuries, or significant property damage on site, or known offsite deaths, injuries, evacuations, sheltering in place, property damage, or environmental damage. EPA believes that having a public meeting so that community members may learn more about the causes of an accident that resulted in such impacts, and the facility's plans to address those causes is warranted. A public meeting also gives members of the community an opportunity to ask questions directly of the facility about issues that concern them. Therefore, EPA proposes to retain the public meeting requirement in § 68.210(e), modified to require that the owner or operator provide only accident information required under § 68.42(b) no later than 90 days after any reportable accident. However, EPA requests public comment on whether the Agency should further limit the public meeting requirement to apply

[33] *https://foiaonline.regulations.gov/foia/action/public/request/createRequest.*

[34] *https://www.epa.gov/rmp/federal-reading-rooms-risk-management-plans-rmp.*

[35] CSAG Petition, pg. 21, Document ID: EPA–HQ–OEM–2015–0725–0766.

only after accidents that meet certain criteria, such as accidents with offsite impacts specified in § 68.42(a) (*i.e.,* known offsite deaths, injuries, evacuations, sheltering in place, property damage, or environmental damage)? In comments on the RMP Amendments rule, commenters stated that the public would not attend a meeting after a minor incident, but recommended holding a public meeting for an event with major offsite impacts.[36] Would members of communities surrounding RMP facilities be less likely to attend post-accident public meetings if the accident had no offsite public or environmental impacts?

Additionally, EPA requests public comment on the required time frame for public meetings. In the proposed Amendments rule, EPA had proposed that post-accident public meetings be required within 30 days. Several commenters claimed that this time frame was too short, and would cause owners and operators to divert resources away from post-accident investigations.[37] However, other commenters agreed with EPA's proposed 30-day time frame, and one commenter recommended that the meeting should occur within two weeks of the accident. Although the final Amendments rule required public meetings to occur within 90 days of an accident and this proposal would not change that time frame, EPA is again considering whether public meetings should be required sooner than 90 days after an accident. Would a shorter time frame, such as 30, 45, or 60 days, be more useful to surrounding communities without unduly impeding facilities' post-accident recovery and investigation activities?

In establishing the requirement for the owner or operator to provide accident information required under § 68.42 at public meetings, we have not previously specified whether it requires the owner or operator to provide at the meeting, accident information for only the accident triggering the public meeting, or, if the facility has multiple accidents in its five-year accident history, for all such accidents. EPA did not intend that the public meeting cover providing information for all reportable accidents over the last five years. EPA proposes to amend the public meeting provision to require the information listed in § 68.42(b) for only the most recent accident, and not for previous accidents covered by the 5-year accident history requirement of § 68.42(a). This proposed modification should provide clarity for the regulated community regarding the public meeting requirements. Nevertheless, EPA requests comments on this issue—should the public meeting provision require providing information on all accidents in a facility's five-year accident history?

Because EPA proposes to rescind the requirements in § 68.210(b) for the owner or operator to provide chemical hazard information to the public upon request and to provide ''other relevant chemical hazard information'' at public meetings after a reportable accident, EPA proposes to delete the provision for CBI in § 68.210(g), as unnecessary. The proposed revised public meeting provision would only require the owner or operator to provide data specified in the source's five-year accident history (§ 68.42), which is not allowed to be claimed as CBI under § 68.151(b)(3). The owner or operator may provide additional information during public meetings, but is not required to do so.

C. Address BATF Finding on West Fertilizer Incident

Petitioner RMP Coalition asserted that it was impracticable for commenters to address in their comments the significance of the May 11, 2016 determination by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATF) that the fire and explosion at the West Fertilizer facility was caused by an intentional, criminal act. Petitioner further stated:[38]

> As the primary driver behind the Executive Order that inspired this rule, and the focus of EPA's introduction to the Proposed Rule, the circumstances surrounding the West, Texas, incident highlight the risks central to the Final Rule. Knowing that the incident was intentional would could [*sic*] have impacted the scope of the Executive Order, certainly have changed the comments EPA received, and likely would have caused EPA to construct its proposed and final rules differently had it known of these circumstances at the time of the proposed rulemaking. For example, EPA might have focused its proposal on enhanced security measures for facilities, strict scrutiny of the type of information that should be disclosed to LEPCs or the public, protections for that information, prohibitions against using any sensitive information from these facilities to cause harm to the public or the environment, or screening measures for third parties with access to the facility and its sensitive information. Reliance on the E.O. as a predicate for this rule, combined with the West, Texas, investigation results further merits reconsideration of the EPA's RMP Final Rule.

In responding to this petition, EPA Administrator Pruitt agreed that the timing of the BATF finding was a valid basis for reconsideration of the RMP Amendments rule:[39]

> Among the objections raised in the petition that meet the requirements for a petition for reconsideration under CAA section 307(d)(7)(B), we believe the timing of the BATF finding on the West, Texas incident, which was announced just before the close of the public comment period, made it impracticable for many commenters to meaningfully address the significance of this finding in their comments on this multi-faceted rule. Prior to this finding, many parties had assumed that the cause of the incident was accidental. Additionally, the prominence of the incident in the policy decisions underlying the rule makes the BATF finding regarding the cause of the incident of central relevance to the Risk Management Program Amendments.

EPA agrees that the West, Texas, incident was prominent in the issuance of Executive Order 13650 and the consideration for the final RMP Amendments rule. In the Executive Order 13650 Report for the President, the Chemical Facility Safety and Security Working Group, of which EPA serves as one of three tri-chairs, stated:[40]

> The West, Texas, disaster in which a fire involving ammonium nitrate at a fertilizer facility resulted in an explosion that killed 15 people, injured many others, and caused widespread damage, revealed a variety of issues related to chemical hazard awareness, regulatory coverage, and emergency response. The Working Group has outlined a suite of actions to address these issues, such as:
>
> • Strengthening State and local capabilities
> • Expanding tools to assist emergency responders
> • Enhancing awareness and increasing information sharing with communities around chemical facilities
> • Increasing awareness of chemical facility safety and security regulatory responsibilities
> • Pursuing rulemaking options for changes to EPA, OSHA, and DHS standards to improve safety and security, including potential changes specific to ammonium nitrate.

The ''changes to EPA . . . standards'' ultimately became the RMP Amendments final rule, where EPA

[36] See document IDs EPA–HQ–OEM–2015–0725–0492, and EPA–HQ–OEM–2015–0725–0542 in the docket.

[37] See Response to Comments on the 2016 Proposed Rule Amending EPA's Risk Management Program Regulations (March 14, 2016; 81 FR 13637), EPA–HQ–OEM–2015–0725–0729, pgs. 207–209.

[38] RMP Coalition Petition, pg. 16, EPA–HQ–OEM–2015–0725–0759.

[39] March 13, 2017 letter from EPA Administrator E. Scott Pruitt to Justin Savage, Esq., Hogan Lovells US LLP. Letter available in the docket for this rulemaking. EPA–HQ–OEM–2015–0725–0758.

[40] Executive Order 13650 Actions to Improve Chemical Safety and Security—a Shared Commitment, Report for the President, May 2014, page 1, EPA–HQ–OEM–2015–0725–0246.

again acknowledged the prominence of the West Fertilizer incident: [41]

The purpose of this action is to improve safety at facilities that use and distribute hazardous chemicals. In response to catastrophic chemical facility incidents in the United States, including the explosion that occurred at the West Fertilizer facility in West, Texas, on April 17, 2013 that killed 15 people (on May 11, 2016, ATF ruled that the fire was intentionally set.) President Obama issued Executive Order 13650, ''Improving Chemical Facility Safety and Security,'' on August 1, 2013.

As indicated above, the final RMP Amendments rule acknowledged the BATF finding concerning the cause of the West Fertilizer incident. 82 FR at 4594, January 13, 2017. Notwithstanding this finding, EPA maintained that the incident still highlighted the need for better coordination between facility staff and local emergency responders. EPA also highlighted in the RMP Amendments Rule other incidents that further supported the need for better coordination between facility staff and local emergency responders (*e.g.,* BP Refinery incident in Texas City, TX; Tesoro Refinery incident in Anacortes, WA). EPA reaffirms this view, and this proposal would preserve the emergency response coordination enhancements of the RMP Amendments rule with minor modifications to address valid security concerns raised by petitioners. Our proposal also would rescind virtually all changes to the accident prevention provisions of Subparts C and D made in the RMP Amendments rule, as well as the public information availability provisions (except for the requirement to hold a public meeting after an accident), and make modifications to the emergency exercise provisions. EPA primarily justifies herein these proposed rescissions and modifications on bases other than the BATF finding. However, the BATF finding informs EPA's concern, expressed above, that the Amendments may not have struck the appropriate balance between multiple policy considerations, including but not limited to information security and community right to know.

The BATF finding was contrary to the widespread belief among the public and regulated community during development of the proposed RMP rule that the West incident was the result of an accident. Considering the timing of BATF's announcement, and that few commenters made reference to the finding in their comments on the proposed RMP Amendments rule, EPA is requesting further public comment on the significance of the BATF finding to the final RMP Amendments rule, and this proposal. When we solicited comment during the rulemaking to delay the effective date of the RMP Amendments to February 19, 2019, several commenters criticized the methodology used by BATF in support of its finding regarding the cause of the West Explosion. See 82 FR 27140, June 14, 2017. These commenters claimed the BATF used a process of elimination called ''negative corpus'' to develop its conclusion rather than a more sound investigative methodology.[42] BATF provided EPA an explanation of methodology used in their investigation, which did not rely on ''negative corpus'' but relied on the scientific method as explained in the 2014 Edition of the NFPA 921 Guide for Fire and Explosion Investigations and by considering the significant evidence, artifacts, and information collected.[43] BATF continues to have an award posted for information leading to an arrest of the person or persons responsible for the fire and subsequent explosion at the West Fertilizer facility. EPA defers to BATF expertise in determining the cause of the West Fertilizer fire and explosion and the validity of investigation methods. We also believe we should strike a different balance between security and safety with respect to information disclosure and security for the reasons stated above, and solicit comment on this view. Does the BATF finding provide additional justification for EPA rescinding the STAA, third-party audit, incident investigation, and information availability provisions of the RMP Amendments rule? Do EPA's proposed changes to the emergency response coordination provisions preserve the Agency's goal of better coordination between facility staff and local emergency responders that it sought in the final RMP Amendments rule while resolving petitioners' security concerns? Does the BATF finding have any significance for EPA's proposed revisions to the emergency exercise provisions, or alternatively, their rescission?

D. Reduce Unnecessary Regulations and Regulatory Costs

1. Petitioners' Comments on Costs and EPA's Economic Analysis

All three petitioners objected to the costs and burdens associated with the new provisions of the RMP Amendments rule, and claimed that EPA's economic analysis did not accurately assess the costs of new provisions and violated procedural requirements by not quantifying potential benefits or linking specific rule provisions to quantified benefits. Most of these objections were variations of the comments previously provided on issues raised in the proposed RMP Amendments rule.[44] Without deciding whether reconsideration of any particular objection meets the standard of CAA section 307(d)(7)(B), EPA is using its discretion to reopen its consideration of regulatory costs of the Amendments in this reconsideration proceeding.

In developing the 1996 RMP rule, the Agency addressed the reasonableness of its regulations in part by taking account of the costs and implementation burdens. See 61 FR 31668, 31717 (June 20, 1996). For example, EPA shifted from an initially proposed approach of requiring all source prevention programs to be based on the PSM standard to requiring PSM standard-based prevention programs only for sources already subject to the PSM standard or in high-accident sectors; EPA allowed other sources subject to the risk management program to use more streamlined prevention requirements. Additionally, EPA developed tools and parameters to simplify offsite consequence analyses for release scenarios. The Agency also centralized risk management plan submissions, standardizing the format and establishing an electronically accessible database, in order to relieve multiple agencies of data management burdens and to simplify compliance for small businesses. While not explicitly adopting a requirement that costs exceed benefits in the 1996 rule, EPA helped justify the various modifications between the RMP proposal of 1993 and the final rule of 1996 by noting large cost reductions relative to prior proposed approaches without significant loss of benefits. See, *e.g.,* 60 FR 13526, 13527, March 13, 1995 (prevention program); id. at 13533

[41] 82 FR 4594, January 13, 2017.

[42] See Response to Comments on the 2017 Proposed Rule Further Delaying the Effective Date of EPA's Risk Management Program Amendments (April 3, 2017; 82 FR 16146), EPA–HQ–OEM–2015–0725–0881, pgs. 32–33.

[43] BATF. 2016. Excerpt from West Fertilizer Investigation Report regarding investigation methodology. US Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives.

[44] Compare RMP Coalition Petition, pgs.8–10, EPA–HQ–OEM–2015–0725–0759 to American Fuel & Petrochemical Manufacturers (AFPM) May 13, 2016 comments on RMP proposed rule (81 FR 13638, March 14, 2016), part 1 of 2, pgs. 56–59, EPA–HQ–OEM–2015–0725–0579.

(dispersion lookup tables); 61 FR at 31695, June 20, 1996 (burden reducing effect of electronic submission).

In developing the RMP Amendments, EPA also considered costs and burdens in deciding not to propose certain options and to modify or not go forward with various provisions in the final rule. For example, EPA chose not to propose requiring all Program 2 and 3 facilities to implement an emergency response program; See 81 FR 13674 (March 14, 2016), or perform emergency exercises. *Id.* at 13677. In the final Amendments rule, EPA chose not to incorporate commenters' suggestion that EPA require third-party audits for all RMP facilities with Program 2 or 3 processes, see 82 FR 4617 (January 13, 2017); and EPA chose to reduce the required frequency of field and tabletop exercises from what had initially been proposed. *Id.* at 4662.

While at the time we promulgated the final Amendments rule we believed the costs of the rule were reasonable in relation to its benefits, we are reexamining the reasonableness of the Amendments in light of three newly promulgated Executive Orders that require Agencies to place greater emphasis on reducing regulatory costs and burdens. These Executive Orders, and their relationship to this proposal, are discussed below. The agency acknowledges that the continual decrease in accidental releases under the existing RMP rule is evidence that the existing rule is working and that additional costs may not justify the additional requirements. EPA is uncertain about whether the additional requirements (*i.e.,* third party audits, STAA, and root cause analysis) add environmental benefits beyond those provided by the existing requirements that are significant enough to justify their added costs. EPA will carefully examine the provisions of the RMP Amendments for their costs and benefits in implementing the statutory provisions of CAA section 112(r)(7).

2. New Executive Orders on Reducing Regulation, Regulatory Reform, and Promoting Energy Independence and Economic Growth

In the final Delay Rule published June 14, 2017,[45] EPA said the following: ''During the reconsideration, EPA may also consider other issues, beyond those raised by petitioners, that may benefit from additional comment, and take further regulatory action.'' One such issue that EPA believes it should consider is the policies of the President that are reflected in the new Executive Orders. Each of these Executive Orders was promulgated shortly after the final RMP Amendments rule was published.

Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs'' of January 30, 2017, says that any new incremental costs associated with new regulation shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least two prior regulations.[46]

Executive Order 13777, ''Enforcing the Regulatory Reform Agenda'' of February 24, 2017, calls for agency Regulatory Reform Task Forces to identify regulations that, among other things, impose costs that exceed benefits, evaluate these regulations and make recommendations to the agency head regarding their repeal, replacement, or modification, consistent with applicable law.[47]

Executive Order 13783,'' Promoting Energy Independence and Economic Growth'' of March 28, 2017, directs executive departments and agencies to immediately review existing regulations that potentially burden the development or use of domestically produced energy resources and appropriately suspend, revise, or rescind those that unduly burden the development of domestic energy resources beyond the degree necessary to protect the public interest or otherwise comply with the law.[48] This Executive Order also directs that environmental regulations have greater benefits than cost, when permissible under law.

In addition to the justifications discussed previously (*i.e.,* to maintain consistency in accident prevention programs and address security concerns), an important factor in selecting the provisions of the final RMP Amendments rule that EPA seeks to rescind or modify with this proposal is that these provisions would otherwise place substantial economic burdens on regulated entities, potentially contravening the new policy direction set in these new Executive Orders. In addition, such burdens are directly relevant to whether the Amendments are ''practicable'' for sources, as that term is used in CAA section 112(r)(7). In deciding whether the Amendments are ''reasonable,'' consistent with the President's policy direction, EPA is now placing greater weight on the uncertainty of the accident reduction benefits than we had when we promulgated the RMP Amendments, especially in contrast to the extensive record on the costs of the rule. In determining whether rescinding or modifying particular provisions is reasonable and practicable, we examined each on its merits and in the context of the policy direction reflected in the new Executive Orders. EPA notes that while further analysis of the reasonableness and practicability of the Amendments is in keeping with the principles articulated in the new Executive Orders, such an analysis would be appropriate even without the Executive Orders, and the Agency retained the discretion to do so prior to their promulgation.

3. Costs of STAA, Third-Party Audits, and Incident Investigation Root Cause Analysis

STAA is by far the costliest provision of the RMP Amendments rule. EPA estimated that this provision would cost $70 million on an annualized basis. This represents over 53% of the total estimated costs of the rule ($131.8 million annualized at a 7% discount rate). EPA estimated that third-party audits would cost approximately $9.8 million on an annualized basis, and that incident investigation root-cause analysis would cost approximately $1.8 million on an annualized basis.

Petitioners for reconsideration raised objections to the costs and other burdens of these provisions. For example, CSAG complained of ''ill-defined and potentially expansive triggers for third party auditing,'' as well as reports from such audits and ''restrictive qualifications'' for auditors as imposing significant burdens beyond what we quantified. The RMP Coalition noted the potential need for sources to duplicate Process Hazard Analysis (PHAs) during the phase-in of STAA under the requirement to complete a PHA with STAA by 4 years after the promulgation of the Amendments.

In the RMP Amendments, EPA had judged the costs of STAA to be reasonable based on two assumptions, one explicit and one implicit. First, we explicitly assumed that, whatever the cost of a new safer technology alternative, a company would incur such costs only if it were net beneficial to the company. Amendments RTC at 70. We then implicitly assumed that an unknown but sufficient fraction of the three affected industries would in fact implement changes as a result of having

[45] 82 FR 27133, June 14, 2017

[46] See Executive Order 13771: ''Reducing Regulation and Controlling Regulatory Costs'' which was signed on January 30, 2017 and published in the **Federal Register** on February 3, 2017 (82 FR 9339).

[47] See Executive Order 13777: ''Enforcing the Regulatory Reform Agenda'' which was signed on February 24, 2017 and published in the **Federal Register** on March 31, 2017 (82 FR 12285).

[48] See Executive Order 13783: ''Promoting Energy Independence and Economic Growth'' which was signed on March 28, 2017 and published in the **Federal Register** on March 31, 2017 (82 FR 16093).

performed STAA to make the requirement to conduct STAA assessments reasonable. Nevertheless, the Agency also acknowledged that no benefits would accrue from implementing STAA unless facilities subject to the requirement voluntarily elect to implement a safer technology. EPA did not account for the indirect costs of implementing safer technologies and alternatives in the RMP Amendments rule, but in the RIA provided examples of safer technologies that could cost as much as $500 million (converting hydrogen fluoride (HF) alkylation unit to sulfuric acid) or $1 billion (converting a paper mill from gaseous chlorine bleaching to chlorine dioxide). Therefore, not only are the known costs of complying with this provision high, indirect costs could also be incurred, if facilities take actions based on the results of their STAA (or based on external pressures to implement STAA recommendations regardless of whether they are necessary or practical). Lastly, given the application of the current requirements, the Agency now questions the implicit assumption that a sufficient number of sources would implement STAA improvements to offset the costs of the provision.

Both the third-party auditing and the root cause incident investigation provisions trigger after one incident—either a reportable accident for third-party auditing or a catastrophic release for a root-cause investigation. Data analysis provided by the American Chemistry Council (ACC) to support the RMP Coalition Petition demonstrates that accidents, and especially patterns of multiple accidents, are concentrated in very few facilities. Of the approximately 1500 reportable accidents in EPA's RMP database from the years 2004 to 2013, only 8% of the 12,500 facilities subject to the RMP rule reported any accidental releases, while the less than 2% of facilities that reported multiple releases in that time frame were responsible for nearly half (48%) of reportable accidents from all types of facilities. Within NAICS code 325, the chemical manufacturing industry, of the 1465 facilities subject to the RMP rule, 99 facilities with multiple reportable accidents were responsible for approximately 70% of all reportable accidents in the sector and more than one-third of all reportable accidents.[49] Other studies have also found a history of past accidents is a strong predictor of future accidents.[50]

Several commenters during the rulemaking asked that EPA emphasize enforcement rather than amend the RMP rule. The data (as analyzed by ACC in its petition) tend to support the reasonableness of an enforcement-led approach to strengthening accident prevention that focuses on problematic facilities rather than broader regulatory mandates. Under the RMP rule as it existed before the RMP Amendments, EPA has required third-party audits in resolving enforcement actions not only after reported releases but also when inspections have indicated potentially weak prevention programs. By requiring third-party audits after every reportable accident rather than using an enforcement-led approach, the RMP Amendments potentially burden more of the regulated community than is appropriate in light of new policy direction that we put more emphasis on regulatory burden reduction and improved net benefits. An enforcement-led approach allows the agency additional discretion to make a determination of the utility of a third-party audit or a root-cause analysis. While EPA believes an enforcement-led approach is preferable to a uniform regulatory standard for third party audits and root cause analyses, the Agency requests public comment on whether a third-party audit or root-cause analysis should be required under certain well-defined regulatory criteria. For third party audits, such criteria might include requiring audits following multiple RMP-reportable accidents, or multiple regulatory violations of a particular gravity. For root-cause analyses, EPA could consider requiring such analyses following incidents exceeding specified severity levels. Although it is not our intent at this time to adopt such provisions, we invite parties to suggest appropriate regulatory criteria for third party audits and root-cause analyses.

For third party audits, while EPA cited a number of studies relating to the usefulness of such audits in various contexts,[51] EPA is particularly interested in gaining additional information relating to third-party audit programs relevant to process safety auditing. The most directly analogous programs reviewed by EPA included programs relating to boiler safety, medical device safety, food and product safety, hazardous waste site cleanups, and compliance with waste treatment and underground storage tank regulations, but even these programs do not involve review of production processes as complex as modern refineries and chemical manufacturing plants. When EPA first took comment on third party oversight in 1995,[52] we examined whether such oversight would be appropriate for sectors with simpler processes, and EPA's own RMP third party audit pilot project conducted with the Wharton School of the University of Pennsylvania involved simpler processes.[53] Should EPA consider limiting third party audits to relatively simple or common processes where experts could apply transferable expertise more easily than in more complex processes? Are there other ways to more narrowly tailor applicability to appropriate RMP facilities without broadly burdening the RMP-regulated universe with a third-party audit requirement? Should third party audits only be mandated for facilities with multiple incidents? Some critics of the RMP Amendments have particular concerns about whether parties that meet the strict independence criteria of the RMP Amendments would be able to understand these complex processes enough to make strong recommendations in an audit. Should the agency consider modifying the independence criteria in any future third-party audit provision?

Likewise, by burdening whole sectors rather than facilities that have multiple accidents, the RMP Amendments missed an opportunity to better target the burdens of STAA to the specific facilities that are responsible for nearly half of the accidents associated with regulated substances at stationary sources subject to the RMP rule. EPA has also used an enforcement-led approach in some past CAA section 112(r) enforcement cases where facility owners or operators have entered into

[49] EPA. March 9, 2017. Notes and Documentation Related to a March 9, 2017 Meeting between the RMP Coalition and EPA regarding a Petition for Reconsideration of the RMP Amendments rule (82 FR 4594, January 17, 2017). USEPA, Office of Emergency Management.

[50] Kleindorfer, P.R., Belke, J.C., Elliot, M.R, Lee, K., Lowe, R.A., and Feldman, H.I., 2003. Accident Epidemiology and the U.S. Chemical Industry: Accident History and Worst-Case Data from RMP*Info, Risk Analysis, Vol.23, No. 5, pgs. 865–881. See Table IV, pg. 872. *https://pdfs.semanticscholar.org/f0c9/f27d670a6ea77187aeb3f78ca0ced444db8b.pdf.*

[51] See 81 FR 13656–58, March 14, 2016 and 82 FR 4620–25, January 13, 2017.

[52] See 60 FR 13530. March 13, 1995.

[53] EPA conducted a pilot study with the Wharton School of the University of Pennsylvania on the efficacy of voluntary third-party RMP audits. For relevant reports from this pilot, see R. Barrish, R. Antoff, & J. Brabson, Dep't of Natural Resources & Env. Control, Third Party Audit Pilot Project in the State of Delaware, Final Report (June 6, 2000) *http://opim.wharton.upenn.edu/risk/library/2000,* Document ID EPA–HQ–OEM–2015–0725–0658 and EPA Region 3, Third-Party Pilot Project in the Commonwealth of Pennsylvania, Final Report (February 2001), Document ID, EPA–HQ–OEM–2015–0725–0651.

consent agreements involving implementation of safer alternatives as discussed in the proposed RMP Amendments rule. See 82 FR at 13664, March 16, 2016.

Given the small numbers of problematic facilities, the reasonableness of an enforcement-led approach to the prevention programs under the RMP rule in lieu of the RMP Amendments leads us to believe that the prevention program provisions in the RMP Amendments place an unnecessary and undue burden on regulated entities. In lieu of broadly imposing STAA in particular on broad sectors, an enforcement-led approach can retain much benefit of the RMP Amendments at a fraction of the cost. Such an approach would contain a compliance assistance element as well. Targeted compliance assistance could provide the benefit of independent assistance to sources that have had multiple releases with more flexibility than the third-party audit provisions of the RMP Amendments. Such a program would be consistent with a measure included in the President's proposed budget that would authorize a fee-based program allowing owners and operators to request EPA to conduct a walk-through of their facilities to assist in compliance. Another non-regulatory option to promote IST and ISD would be to encourage technology transfer, either through EPA-led forums or through non-governmental entities like industry associations or academic institutions. By not establishing any means for sharing IST and ISD beyond the facility, the RMP Amendments did little to promote technology-transfer. An approach that emphasizes voluntary technology-transfer would be consistent with the statutory provision to ''recognize . . . the voluntary actions of [facilities] to prevent . . . and respond to [accidental] releases.'' CAA section 112(r)(7)(B)(i). Emphasizing burden reduction while retaining benefits is consistent with the approach we took when we adopted the RMP rule in 1996.

It is also possible that the existing rule's prevention program measures already encompass many of the benefits of the Amendments rule prevention provisions—some facilities may already be considering safer technologies in conjunction with their process hazard analysis, using root cause analysis for incident investigations, and/or hiring independent third parties to conduct audits. Considering the low and declining accident rate [54] at RMP facilities under the existing RMP rule, the Agency believes it is likely that the costs associated with the prevention program provisions of the RMP Amendments exceed their benefits unless significant non-monetized benefits are assumed. Thus, we recommend rescinding them in accordance with the direction reflected in E.O. 13777. Rescinding these provisions would also allow EPA greater flexibility to offset the incremental costs associated with other new regulations in accordance with E.O. 13771.

Additionally, the STAA costs are concentrated on three industry sectors—petroleum and coal products manufacturing, chemical manufacturing, and paper manufacturing—which include a significant number of facilities that produce domestic energy resources. Therefore, this provision in particular appears to be a good candidate for rescission to achieve the policies reflected in E.O. 13783.

4. Costs of Information Availability

For providing the public the means to access the available chemical hazard information in § 68.210(b), as well as information on community preparedness, in the RMP Amendments rule EPA required the regulated facility to provide ongoing notification on a company website, social media platforms, or through other publicly accessible means for instructions on how to request the information (*e.g.* email, mailing address, and/or telephone or website request). The facility is required to identify this publicly accessible means in their RMP submission [§ 68.160 (b)(21)—''Method of communication and location of the notification that chemical hazard information is available to the public, pursuant to § 68.210(c)'']. Unless a member of the public discovered the means to access the information through their own efforts or were notified by outreach efforts of the facility, they would need to access the facility's RMP submission to determine how to obtain the chemical hazard information available under § 68.210(b). However, most of the § 68.210(b) chemical hazard information elements are already in the RMP submission, as it already contains, among other information, the names of regulated substances held above threshold quantities, the facility's five-year accident history, whether the facility is a responding or non-responding stationary source, the name and phone number of the local response organization involved in emergency response coordination, and the LEPC name.

One chemical hazard information item required to be provided under § 68.210(b) that is not available in a facility's RMP is the Safety Data Sheet (SDS) for a regulated substance. However, SDSs are already widely available to the public by means of a basic internet search using the chemical name. Some chemical manufacturers provide access to SDSs for their specific products on the company's website. Hazardous chemical SDSs that are required to be submitted to State Emergency Response Commissions (SERCs) and LEPCs under Section 311 of EPCRA (42 U.S.C. 11044) are available to the public upon request from the SERC or LEPC, except the identity of any chemical name meeting the criteria for trade secret protection provided by Section 322 of EPCRA (42 U.S.C. 11042) may not be disclosed.

In addition to chemical hazard information, § 68.210(b) requires the facility to provide emergency response program information (including whether the stationary source is a responding stationary source or a non-responding stationary source, the name and phone number of local emergency response organizations with which the owner or operator last coordinated emergency response efforts, and for stationary sources subject to § 68.95, procedures for informing the public and local emergency response agencies about accidental releases), LEPC contact information (including LEPC name, phone number, and web address as available), and a list of scheduled exercises required under § 68.96. Most of this information is also already available in the facility's RMP. The only required item of emergency response program information that is not available in the facility's RMP is the facility's procedure for informing the public and local emergency response agencies about accidental releases. However, this information can be obtained by contacting the appropriate local response agencies. A member of the public living near a facility can identify their LEPC either by reviewing the facility's RMP, or by contacting their SERC. EPA maintains contact information for each SERC on its website.[55]

Therefore, once a member of the public obtains a facility's RMP, the need to make a request to that facility for the elements contained in the RMP would be eliminated, and most other elements are available using the internet or by contacting local response agencies. In promulgating the Amendments, EPA

[54] See Reconsideration RIA, Exhibit 3–7.

[55] *https://www.epa.gov/epcra/local-emergency-planning-committees* Contains contact information for each SERC, names, address and websites for each SERC.

overlooked the apparent redundancy of requiring the public to obtain a facility's RMP in order to find out how to request the information authorized for disclosure under § 68.210(b). For this reason, as well as the availability of information from other public data sources, EPA now believes that the additional burden for facilities to provide these information elements directly to the public is not justified and that these provisions are good candidates for rescission to further the policies reflected in Executive Orders 13771 and 13777.

As indicated above, if EPA maintains a field exercise requirement in the final rule, information on upcoming facility exercises would be the only item of information required to be disclosed in § 68.210(b) that is not already available from another source. EPA nevertheless is proposing not to require disclosure of exercise schedules. As stated previously, there is no easy way to restrict that information to only members of the local public, and wider distribution of this information could carry security risks. Nevertheless, the Agency requests public comment on whether information on upcoming exercises should still be required to be provided to members of the public upon request.

5. Costs of Field and Tabletop Exercises

After STAA, field and tabletop exercises were estimated to be the next costliest provision of the RMP Amendments rule, at $24.7 million per year. While the majority of these costs were projected to fall on regulated facilities, EPA also projected that a significant share of costs would fall on local emergency responders participating in field and tabletop exercises.[56] Petitioner States indicated that emergency coordination and exercise costs would place significant burdens on state and local responders:[57] Petitioner States also claimed that EPA understated costs for these provisions and did not show benefits.[58] Petitioner CSAG made similar claims.

The agency is not certain that it properly assessed the actual demands of these provisions or the increased burden on LEPCs in the final rule. EPA agrees that these provisions, and particularly the emergency exercise provisions, would place substantial burdens on regulated facilities and local responders. Local responders with multiple facilities in their area are particularly impacted by the minimum exercise frequency requirement. EPA's proposal herein would retain the emergency response coordination provisions (with proposed modifications) and emergency notification drill provisions, and modify the field and tabletop exercise provisions by removing the minimum exercise frequency requirements for field exercises and modifying exercise scope and documentation requirements to provide more flexibility to regulated facilities. As alternatives to modifying the frequency, scope, and documentation requirements, EPA has considered either fully rescinding the emergency field and tabletop exercise provisions or modifying them by removing the minimum exercise frequency requirement for field exercises but retaining the existing requirements for scope and documentation of field and tabletop exercises. EPA believes that any of these alternatives would reduce the regulatory burden on both facilities and local responders.[59]

EPA's proposed revisions to § 68.96(b)(1)(ii) and § 68.96(b)(2)(ii)—the scope provisions for field and tabletop exercises, respectively—would provide the owner or operator with discretion to decide on an appropriate scope for exercises. In the RMP Amendments rule, EPA stated that field exercises shall include: Tests of procedures to notify the public and the appropriate Federal, state, and local emergency response agencies about an accidental release; tests of procedures and measures for emergency response actions including evacuations and medical treatment; tests of communications systems; mobilization of facility emergency response personnel, including contractors, as appropriate; coordination with local emergency responders; emergency response equipment deployment; and any other action identified in the emergency response program, as appropriate. For tabletop exercises, EPA stated that exercises shall include discussions of: Procedures to notify the public and the appropriate Federal, state, and local emergency response agencies; procedures and measures for emergency response including evacuations and medical treatment; identification of facility emergency response personnel and/or contractors and their responsibilities; coordination with local emergency responders; procedures for emergency response equipment deployment; and any other action identified in the emergency response plan, as appropriate. EPA is proposing to replace ''shall'' with ''should'' in both provisions. While EPA believes that these scope provisions are likely to be suitable guidelines for most facilities, the Agency believes that converting them to discretionary provisions (*i.e.,* ''should'') will allow owners and operators to coordinate with local responders to design exercises that are most suitable for their own situations. Alternatively, EPA considered retaining the exercise scope provisions as stated in the final RMP Amendments rule. EPA requests comments on its proposed revisions to the field and tabletop scope provisions. Would EPA's proposed changes reduce the burden of the exercise requirements on owners and operators and local responders by allowing them to design exercises that are tailored to their own circumstances?

EPA's proposed revisions to § 68.96(b)(3) *Documentation,* would retain the RMP Amendments rule requirement that the owner/operator prepare an evaluation report within 90 days of each exercise. However, the contents of the report would be discretionary. In the RMP Amendments rule, EPA stated that the report shall include: A description of the exercise scenario; names and organizations of each participant; an evaluation of the exercise results including lessons learned; recommendations for improvement or revisions to the emergency response exercise program and emergency response program; and a schedule to promptly address and resolve recommendations. EPA is proposing to replace ''shall'' with ''should'' in this provision. While EPA continues to believe that it is important to prepare an evaluation report for each exercise in order to identify lessons learned and share results with others involved in responding to releases, the Agency believes it may be reasonable to allow owners and operators discretion on the contents of the report. Allowing such flexibility in documenting exercises would also allow owners and operators to create separate exercise documents and/or appendices in such documentation that clearly distinguish content that should be shared with local

[56] See final rule RIA, page Exhibits 4–7 and 4–8, page 47.

[57] States Petition, pgs. 4–5, Document ID: EPA–HQ–OEM–2015–0725–0762.

[58] States Petition, pg. 5, Document ID: EPA–HQ–OEM–2015–0725–0762.

[59] Note, however, that the RIA for this rulemaking retains the cost estimate for exercises from the Amendments rule. See Reconsideration RIA, Ch. 4. EPA retained this estimate as a conservative approach to estimating exercise costs under this proposal. By removing the minimum frequency requirement for field exercises and encouraging facilities to conduct joint exercises and using exercises already conducted under other requirements to meet the requirements of the RMP rule, EPA expects that the total number, and therefore costs, of exercises held for compliance with the rule is likely to be lower than this estimate.

emergency responders from security-sensitive content that should be closely held by the owner or operator. Alternatively, EPA considered retaining the exercise documentation requirement as stated in the final RMP Amendments rule. EPA requests comments on its proposed revision to the exercise documentation requirements. Should the requirement for exercise evaluation reports be retained, but altered to provide more flexibility to regulated facilities?

6. Stakeholder Input on Cost Reductions

EPA requests public comment on the cost and burden reductions associated with the proposed rule. Would eliminating the STAA, third-party audit, incident investigation, and information availability provisions and modifying or rescinding the field and tabletop exercise provisions contribute toward the goals of Executive Orders 13771, 13777, and 13783 and address petitioners' and other commenters' concerns about excessive regulatory costs and unjustified burdens? Are there any data from chemical accident or toxic use reduction programs that demonstrates a substantially lower accident rate at existing facilities that already had successful accident prevention programs in place and then conducted Inherently Safer Technology or Design (IST/ISD) reviews or otherwise conducted chemical substitution to lower chemical hazards? EPA's proposal to modify the emergency exercise provisions would retain the RMP Amendments rule requirement for regulated facilities to coordinate with local emergency responders to develop emergency exercise schedules, but would remove the minimum frequency requirement for field exercises, and allow facility owners to work with local responders to establish appropriate frequencies and plans for exercises. Would these changes help to address petitioners' and commenters' concerns about the excessive costs of the exercise provisions? Should EPA make other changes to these provisions, or fully rescind the field and tabletop exercise provisions in order to further reduce costs? If EPA were to fully rescind the exercise provisions, would the remaining requirements of the RMP Amendments rule for annual notification drills (§ 68.96(a)), enhanced emergency response coordination (§ 68.93—with proposed modifications), and enhanced emergency response program updates (§ 68.95(a)(4)) be sufficient to address the emergency response planning and coordination gaps highlighted by the West Fertilizer incident and other incidents noted by EPA in the proposed RMP Amendments rule, while reducing undue burdens on facilities and local emergency responders as much as reasonably possible? Are there additional modifications or rescissions that EPA should make in order to further reduce costs, without significantly impacting public health and environmental protection?

E. Revise Compliance Dates to Provide Necessary Time for Program Changes

Petitioner CSAG recommended that EPA delay the compliance dates for the same period by which the effective date of the rule was extended.[60] Petitioner States made the same recommendation.[61] In the final rule to delay the effective date of the RMP Amendments, EPA did not adjust the rule's compliance dates, indicating that the Agency would propose to take such action as necessary when considering future regulatory action.[62] EPA now proposes to delay the rule's compliance dates to one year after the effective date of a final rule for the emergency coordination provisions, two years after the effective date of a final rule for the public meeting provision, four years after the effective date of a final rule for the emergency exercise provisions, and five years after the effective date of a final rule for the risk management plan reporting provisions affected by new requirements. EPA is also retaining the requirement to comply with the emergency response program requirements of § 68.95 within three years of when the owner or operator initially determines that the stationary source is subject to those requirements.

Except for the new proposed compliance date for public meetings, these proposed compliance dates would toll the compliance dates established under the final Amendments rule, using the same one-year compliance interval for the emergency coordination provision, four-year compliance interval for the exercise provisions, and five-year compliance interval for new or modified risk management plan reporting provisions, that were used under the final Amendments rule, but establishing the new compliance dates relative to the future effective date of a final rule resulting from this proposal. In so doing, EPA is relying on the same rationale it used in establishing compliance dates under the final Amendments rule.[63] We believe the guidances and outreach materials we had committed to developing in the final RMP Amendments will still be useful to sources seeking to comply with those portions of our rule that we do not rescind. EPA will need time to develop that material. EPA also agrees with CSAG and the States that regulated sources and local responders should not be expected to expend resources complying with rule provisions that may change, and that owners and operators will require this additional time to familiarize themselves with the revised rule and implement appropriate programmatic changes.

EPA is proposing a different compliance date for public meetings than that established under the final Amendments rule because with the proposed rescission of the other information availability requirements of the final Amendments rule, EPA believes that sources would not require four years to prepare to conduct post-accident public meetings. See Section III.F—*Revise compliance dates* above for further discussion of this proposed change.

EPA is also proposing one modification to the compliance date for emergency exercises. Under the final amendments rule, EPA required that owners and operators comply with the emergency exercise provisions by four years after the effective date of the final rule. As EPA explained in the final rule, this meant that the owner or operator must have completed a notification exercise, consulted with local emergency response officials to establish a schedule for conducting tabletop and field exercises, and completed at least one field or tabletop exercise by the compliance date. Under the current proposal, owners and operators would be still be required to have exercise programs and schedules meeting the requirements of § 68.96 in place within four years of the effective date of a final rule. However, the owner or operator would not be required to have completed a notification and field or tabletop exercise by that date. Based on the schedule established by the owner or operator in coordination with local response agencies, the owner or operator would have up to one additional year to perform their first notification drill, and up to three additional years to conduct their first tabletop exercise. There would be no specified deadline date for the first field exercise, other than that established in the owner or operator's exercise schedule.

EPA is proposing this change to avoid overburdening facilities and local responders in meeting exercise

[60] CSAG Petition, pg. 1, EPA–HQ–OEM–2015–0725–0766.

[61] States Petition, pg. 1, EPA–HQ–OEM–2015–0725–0762.

[62] See 82 FR 27142, June 14, 2017.

[63] See 82 FR 4675–8, January 13, 2017.

requirements. Requiring every facility to complete notification and field or tabletop exercises by the compliance date would likely result in many exercises occurring at or near the compliance date. In communities with multiple RMP facilities, this could result in excessive demands on local responders to participate in notification drills and exercises, and be inconsistent with EPA's desire to give facilities and local responders more flexibility in scheduling and conducting exercises. EPA believes that a better approach would be to allow facilities and local responders to work together to establish an appropriate schedule by the compliance date. In communities with multiple RMP facilities, this should allow facilities and local responders to conduct required exercises at more appropriate intervals, avoid concentrating numerous exercises around one date, provide more regular training opportunities for facility and local responders, and take full advantage of opportunities to conduct joint exercises or combine RMP facility exercises with exercises conducted under other requirements. EPA requests public comment on its proposal to extend compliance dates, including the proposed new compliance date for public meetings and the proposed modification to the compliance date for exercises.

In addition to recommending that EPA toll the rule's compliance dates, Petitioner CSAG indicated particular concern with the four-year compliance date for STAA: [64]

> CSAG is concerned with the four-year compliance deadline provided in the rule for the STAA requirements. Such analysis is highly complex, and—given that the STAA would have to be part of the PHA for a covered process within four years—facilities will have to begin working immediately on incorporating this analysis without a commonly accepted methodology. In the RMP Rule preamble, EPA notes future ''guidance'' that will be developed for complying with RMP PHA and STAA requirements before sources must comply with the STAA provision and its plans to make draft guidance available for public comment.[42] Without the benefit of this guidance to reflect its intentions with respect to enforcement of the STAA provision, complying with the new requirements within four years will be extremely challenging.
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> [42]82 FR 4640, [January 13, 2017].

If EPA finalizes its proposal to rescind the STAA provisions, CSAG's concern with the compliance date for STAA would be rendered moot. However, in the event that EPA does not rescind the STAA provisions, the Agency requests public comment on whether the compliance date for STAA should be further extended. For example, should EPA extend the STAA compliance date to 5 years or some longer interval, so that all facilities subject to it would have the opportunity to incorporate the STAA into their PHA during their regular PHA revalidation cycle? Alternatively, should EPA require STAA in PHAs performed after a certain date, such as 3 or 4 years after promulgation of a final rule?

F. Other Issues Raised by Petitioners

In addition to the issues discussed previously, petitioners raised several other issues that EPA would like to address.

1. New Documents Entered in Docket After Close of Comment Period

The RMP Coalition indicated that EPA added numerous documents to the rulemaking docket after the close of the comment period, that EPA used several of these to support core provisions of the final rule, and that members of the public were not able to submit comments on these documents.[65] [66]

EPA added 129 documents to the rulemaking docket after the end of the public comment period. Many of these documents (59 total) were documents that would normally be added after the comment period, such as final interagency review documents, final rule support documents (RIA, technical background document, EPA response to comments), documentation of tribal consultation, EPA responses to requests to extend the comment period, and documentation of post-proposal meetings or presentations of the proposed rulemaking that occurred after the end of the comment period. Also included were copies of laws, statutes, Federal or state regulations, **Federal Register** document that were mentioned in the final rule, RIA or Response to Comments, but not the proposed rulemaking or RIA. These were added for convenience although they are generally publicly available from internet sources. There were also a few documents that were cited in the final rule or RIA, but were published in 2016 after the close of comment period on May 13, 2016. Of the remaining 70 documents, some were technical articles, reports, studies (some mentioned by commenters), and EPA enforcement cases or press releases relevant to discussion of third party audits, STAA feasibility, near misses or root cause analysis that were added in the final rule and RIA or Response to Comments. Other documents were internal EPA email communications involving the development of the proposed RMP amendments provisions or estimating the rule's costs, and some EPA and OSHA documents related to RMP or PSM program guidance and enforcement.

To the extent EPA may have relied on these documents to support the third-party audit and STAA provisions of the final RMP Amendments rule without providing the public with full opportunity for review and comment, this point will become moot if the Agency rescinds those provisions, as we have proposed herein. Nevertheless, the documents are now available for public review in the rulemaking docket. A list of these 129 rule support documents is also available in the rulemaking docket.[67]

2. New Third-Party Audit Trigger and New Legal Rationales for Third-Party Audits and STAA

The RMP Coalition stated that in the final RMP Amendments rule, EPA added a new trigger [criterion] for third-party audits [68] as well as new legal rationales for third-party audits and STAA, and that members of the public did not have an opportunity to review and comment on the new provision or legal rationales:

> Though EPA claims that it only ''modifie[d] the criterion,'' the Final Rule provision transformed a predictable trigger (non-compliance with specific regulations) into an unpredictable one that relies entirely on the implementing agency's discretion to determine which conditions ''*could* lead to an accidental release.'' [82 FR at 4699.] The Proposed Rule had identified a specific condition EPA thought was problematic, namely noncompliance with the regulations. The Final Rule provision is unrelated to legal compliance and subject to the whims and imagination of the implementing agency. Commenters had no opportunity to object to the incredible breadth of a requirement that covers any conditions that *could* lead, no matter how remote the chance of the condition resulting an accidental release. (footnote omitted)

In the Proposed Rulemaking, EPA proposed changes to §§ 68.58 and 68.79 to require third-party compliance audits for both Program 2 and Program 3 processes, under certain conditions.

[64] CSAG Petition, pg. 16, EPA–HQ–OEM–2015–0725–0766.

[65] RMP Coalition Petition, pg. 5, EPA–HQ–OEM–2015–0725–0759.

[66] Ibid, pgs. 5–6.

[67] List of 129 Supporting Documents for RMP Amendments Rule Added to Rulemaking Docket EPA–HQ–OEM–2015–0725 after Close of Comment Period (May 13, 2016). USEPA, Office of Emergency Management, April 25, 2018.

[68] RMP Coalition Petition, pg. 5, EPA–HQ–OEM–2015–0725–0759.

These proposed changes included adding paragraph (f) to §§ 68.58 and 68.79 which identified third-party audit applicability. EPA proposed that the next required compliance audit for an RMP facility would be a third-party audit when one of the following conditions apply: An accidental release meeting the criteria in § 68.42(a) from a covered process has occurred; or an implementing agency requires a third-party audit based on non-compliance with the requirements of this subpart, including when a previous third-party audit failed to meet the competency, independence, or impartiality criteria, set forth in new paragraphs §§ 68.59(b) or 68.80(b).

After considering public comments received on the proposed conditions that would require a third-party audit, in the final Amendments Rule, EPA revised the applicability criteria for third-party audits required by implementing agencies from non-compliance to conditions that could lead to an accidental release of a regulated substance. EPA believed that having the implementing agency evaluate whether conditions exist at a stationary source that could lead to an accidental release better addressed the types of situations where a third-party audit would be most effective, and would minimize the potential for inconsistent or arbitrary decisions made by implementing agencies. This revised criterion responded to commenters' requests was not intended to be a new condition, but a narrowing of the applicability of these requirements. The criterion in the Final Rule focused on conditions with the potential to lead to accidental releases, rather than authorizing implementing agencies to require third-party audits under a potentially wide range of circumstances, including minor non-compliance. However, insofar as it is a change, the petitioner correctly notes that the public did not have a chance to comment on the new language.

EPA is proposing to rescind the third-party audit requirements; however, if these requirements are not rescinded, EPA requests comment on the revised applicability criteria for third-party audits required by implementing agencies from non-compliance to conditions that could lead to an accidental release of a regulated substance.

3. Coordination and Emergency Response Provisions Constitute Unfunded Mandates on State and Local Responders

Petitioners CSAG and the States argued that the coordination and emergency response provisions of the final rule constitute unfunded mandates and impose unjustified burdens on state and local emergency responders.[69] As an initial matter, EPA notes that these objections would not meet the standard for reconsideration under CAA section 307(d)(7)(B), because the same objections were raised during the comment period for the proposed RMP Amendments rule, and responded to by EPA in the Response to Comments document for the rule.[70] However, EPA seeks comment on the Petitioners' claims that the coordination and emergency response provisions of the final rule constitute unfunded mandates.

V. Statutory and Executive Order Reviews

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

This action is a significant regulatory action that was submitted to the Office of Management and Budget (OMB) for review. Any changes made in response to OMB recommendations have been documented in the docket. EPA prepared a Regulatory Impact Analysis (RIA) of the potential costs and benefits associated with this action. This RIA is available in the docket and is summarized here (Docket ID Number EPA–HQ–OEM–2015–0725).

1. Why EPA is Considering This Action

This action addresses and responds to a number of issues related to the final RMP Amendments Rule, including those raised by petitioners, as well as other issues that EPA believes warrant reconsideration.

As discussed above in section I of this preamble, prior to the rule taking effect, EPA received three petitions for reconsideration of the rule under CAA section 307(d)(7)(B), two from industry groups and one from a group of states. Under that provision, the Administrator is to commence a reconsideration proceeding if, in the Administrator's judgement, the petitioner raises an objection to a rule that was impracticable to raise during the comment period or if the grounds for the objection arose after the comment period but within the period for judicial review. In either case, the Administrator must also conclude that the objection is of central relevance to the outcome of the rule.

In a letter dated March 13, 2017, the Administrator responded to the first of the reconsideration petitions received by announcing the convening of a proceeding for reconsideration of the Risk Management Program Amendments.[71] As explained in that letter, having considered the objections raised in the petition, the Administrator determined that the criteria for reconsideration have been met for at least one of the objections. This proposal addresses the issues raised in all three petitions for reconsideration, as well as other issues that EPA believes warrant reconsideration. A detailed discussion of EPA's rationale for the rescissions and modifications to the rule is included above in section IV. of this preamble,

Rationale for Rescissions and Modifications

As described in section IV. A. of this preamble, *Maintain consistency in accident prevention requirements,* this action addresses the issues raised by petitioners regarding several of the provisions of the final Amendments rule. Petitioners asserted that EPA failed to sufficiently coordinate the changes to the RMP regulations with OSHA and the PSM program, and that the regulations as revised by the Final Rule leave important gaps and create compliance uncertainties. Although EPA has regularly communicated and coordinated with OSHA on its efforts so far, EPA believes it is reasonable to develop a better understanding of OSHA's intentions regarding potential changes to the PSM standard before modifying the RMP rule. EPA has determined that a more sensible approach would be to rescind the RMP accident prevention amendments at this time and continue existing coordination with OSHA on any future regulatory changes.

All three petitions requesting reconsideration of the RMP Amendments rule raised security concerns regarding provisions of the final Amendments rule, as discussed above in section IV. B. of this preamble, *Address security concerns.* These included objections, in all three petitions, regarding the rule language in § 68.93(b) requiring local emergency response coordination to include providing to the local emergency planning and response organizations ". . . any other information that local emergency planning and response organizations identify as relevant to

[69] See CSAG Petition, pgs. 8–9 and States Petition, pgs. 4–6.

[70] See Response to Comments document, pgs. 165–167, 185–186, 238, EPA–HQ–OEM–2015–0725–0729. See also States Petition at pg. 5 ("Various State and other entities raised these concerns during the comment period").

[71] EPA–HQ–OEM–2015–0725–0758.

local emergency response planning.'' Petitioners claim that this language creates a security risk for regulated facilities. Petitioners have also noted concerns regarding the removal of protections for CBI and classified information that items proposed under § 68.205 would have benefited from. Petitioners also raised concerns about the potential for the information made available under § 68.210 of the RMP Amendments rule to be used by criminals or terrorists to target facilities for attack. EPA is also considering another security concern not specifically raised by petitioners, regarding whether the synthesis of the required information disclosure elements could create an additional security risk for facilities.

As discussed in section IV.C. of this preamble, *Address BATF finding on West Fertilizer incident,* above, petitioners asserted that it was impracticable for commenters to address in their comments the significance of the May 11, 2016 determination by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATF) that the fire and explosion at the West Fertilizer facility was caused by an intentional, criminal act. In responding to this petition, EPA Administrator Pruitt agreed that the timing of the BATF finding was a valid basis for reconsideration of the RMP Amendments rule.[72]

All three petitioners objected to the costs and burdens associated with the new provisions of the RMP Amendments rule, and claimed that EPA's economic analysis did not accurately assess the costs of new provisions and violated procedural requirements by not properly quantifying potential benefits. Petitioners submitted extensive commentary on these issues (complete copies of each petition are available in the docket for this rulemaking). A discussion of this issue is included above in section IV.D. of this preamble, *Reduce unnecessary regulations and regulatory costs.*

This action also considers and addresses several other issues raised by petitioners. One petitioner noted that EPA added numerous documents to the rulemaking docket after the close of the comment period, that EPA used several of these to support core provisions of the final rule, and that members of the public were not able to submit comments on these documents.[73] [74] Petitioner the RMP Coalition stated that in the final RMP Amendments rule, EPA added a new trigger for third-party audits as well as new legal rationales for third-party audits and STAA, and that members of the public did not have an opportunity to review and comment on the new provision or legal rationales. Petitioners CSAG and the States argued that the coordination and emergency response provisions of the final rule constitute unfunded mandates and impose unjustified burdens on state and local emergency responders. These issues are discussed in more detail in section IV. F. of this preamble, *Other issues raised by petitioners.*

2. Description of Alternatives to the Proposed Rule

The RIA analyzed the proposed rescissions and changes to the requirements of the RMP Amendments rule, including one alternative option for emergency tabletop and field exercises. The proposed rulemaking would retain the requirement for tabletop and field exercises, but remove the minimum frequency requirement for field exercises and establish more flexible scope and documentation provisions for both field and tabletop exercises. Although these changes are intended to reduce the burden of and offer more flexibility to owners and local response agencies in meeting the exercise requirements, the RIA took the conservative approach of assuming that the cost of the provision as estimated under the Amendments final rule would not change. EPA is considering two alternatives to the proposed exercise provisions. One alternative would be similar to the proposed option—this alternative would remove the minimum frequency requirement for field exercises, but unlike the proposed option, the alternative would retain all remaining provisions of the RMP Amendments rule regarding field and tabletop exercises, including the RMP Amendments rule requirements for exercise scope and documentation. Like the proposed option, EPA assumes that the cost of the exercise provisions as estimated under the Amendments final rule would not change under this alternative. Another, lower-cost alternative to EPA's proposal would be to fully rescind the field and tabletop exercise provisions. This alternative would result in an additional annual cost savings of approximately $24.7 million (2015 dollars).

EPA is also considering an alternative to the proposed modification to the emergency coordination provisions of the Amendments rule. EPA's proposed modification to the local emergency response coordination amendments would delete the phrase in § 68.93(b), ''. . . and any other information that local emergency planning and response organizations identify as relevant to local emergency response planning.'' As an alternative to this proposal, EPA is considering replace this phrase with the phrase ''other information necessary for developing and implementing the local emergency response plan.'' However, EPA does not believe either its proposed option or the alternative phrasing would significantly affect the cost of complying with the emergency coordination provisions of the Amendments rule.

Lastly, EPA is considering an alternative to rescinding the availability of all chemical hazard information to the public under the final Amendments rule. Under this alternative, EPA would rescind all elements required to be disclosed under § 68.210(b) of the final Amendments rule except the information on exercise schedules. If EPA were to adopt this alternative, the annual net cost savings under the proposed rule would decline by up to $3.1 million.

3. Summary of Cost Savings

Approximately 12,500 facilities have filed current RMPs with EPA and are potentially affected by the proposed rule changes. These facilities range from petroleum refineries and large chemical manufacturers to water and wastewater treatment systems; chemical and petroleum wholesalers and terminals; food manufacturers, packing plants, and other cold storage facilities with ammonia refrigeration systems; agricultural chemical distributors; midstream gas plants; and a limited number of other sources that use RMP-regulated substances.

Table 5 presents the number of facilities according to the latest RMP reporting as of February 2015 by industrial sector and chemical use.

[72] March 13, 2017 letter from EPA Administrator E. Scott Pruitt to Justin Savage, Esq., Hogan Lovells US LLP. Letter available in the docket for this rulemaking. EPA–HQ–OEM–2015–0725–0758.

[73] RMP Coalition Petition, pg. 5, EPA–HQ–OEM–2015–0725–0759.

[74] Ibid, pgs. 5–6.

TABLE 5—NUMBER OF AFFECTED FACILITIES BY SECTOR

Sector	NAICS codes	Total facilities	Chemical uses
Administration of environmental quality programs (i.e., governments).	924	1,923	Use chlorine and other chemicals for treatment.
Agricultural chemical distributors/wholesalers.	111, 112, 115, 42491	3,667	Store ammonia for sale; some in NAICS 111 and 115 use ammonia as a refrigerant.
Chemical manufacturing	325	1,466	Manufacture, process, store.
Chemical wholesalers	4246	333	Store for sale.
Food and beverage manufacturing	311, 312	1,476	Use (mostly ammonia as a refrigerant).
Oil and gas extraction	211	741	Intermediate processing (mostly regulated flammable substances and flammable mixtures).
Other	44, 45, 48, 54, 56, 61, 72	248	Use chemicals for wastewater treatment, refrigeration, store chemicals for sale.
Other manufacturing	313, 326, 327, 33	384	Use various chemicals in manufacturing process, waste treatment.
Other wholesale	423, 424	302	Use (mostly ammonia as a refrigerant).
Paper manufacturing	322	70	Use various chemicals in pulp and paper manufacturing.
Petroleum and coal products manufacturing.	324	156	Manufacture, process, store (mostly regulated flammable substances and flammable mixtures).
Petroleum wholesalers	4247	276	Store for sale (mostly regulated flammable substances and flammable mixtures).
Utilities	221 (except 22131, 22132)	343	Use chlorine (mostly for water treatment).
Warehousing and storage	493	1,056	Use mostly ammonia as a refrigerant.
Water/wastewater Treatment Systems.	22131, 22132	102	Use chlorine and other chemicals.
Total		12,542	

Table 6 presents a summary of the annualized cost savings estimated in the regulatory impact analysis.[75] In total, EPA estimates annualized cost savings of $87.9 million at a 3% discount rate and $88.4 million at a 7% discount rate.

TABLE 6—SUMMARY OF ANNUALIZED COST SAVINGS

[Millions, 2015 dollars]

Provision	3%	7%
Third-party Audits	(9.8)	(9.8)
Incident Investigation/Root Cause	(1.8)	(1.8)
STAA	(70.0)	(70.0)
Information Availability	(3.1)	(3.1)
Rule Familiarization	(3.2)	(3.7)
Total Cost Savings	(87.9)	(88.4)

Most of the annual cost savings under the proposed rulemaking are due to the repeal of the STAA provision (annual savings of $70 million), followed by third party audits (annual savings of $9.8 million), rule familiarization (annual net savings of $3.7 million), rule familiarization (annual net savings of $3.7 million), information availability (annual savings of $3.1 million), and root cause incident investigation (annual savings of $1.8 million). See the RIA for additional information on costs and cost savings.

4. Summary of Potential Benefits and Benefit Reductions

The RMP Amendments Rule produced a variety of benefits from prevention and mitigation of future RMP and non-RMP accidents at RMP facilities, avoided catastrophes at RMP facilities, and easier access to facility chemical hazard information. The proposed Reconsideration rule would largely retain the revised local emergency coordination and exercise provisions of the 2017 Amendments final rule, which convey mitigation benefits. The proposed rescission of the prevention program requirements (*i.e.,* third-party audits, incident investigation, STAA), would result in a reduction in the magnitude of these benefits. The proposed rescission of the chemical hazard information availability provision would result in a reduction of the information sharing benefit, although a portion of this benefit from the Amendments rule would still be conveyed by the public meeting, emergency coordination and exercise provisions. The proposed rule would also convey the benefit of improved chemical site security, by modifying previously open-ended information sharing provisions of the Amendments rule that might have resulted in an increased risk of terrorism against regulated sources. See the RIA

[75] A full description of costs and benefits for this proposed rule can be found in the *Regulatory Impact Analysis; Reconsideration of the 2017 Amendments to the Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(7).* This document is available in the docket for this rulemaking (Docket ID Number EPA–HQ–OEM–2015–0725).

for additional information on benefits and benefit reductions.

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

This action is expected to be an Executive Order 13771 deregulatory action. Details on the estimated cost savings of this proposed rule can be found in EPA's analysis of the potential costs and benefits associated with this action.[76]

C. Paperwork Reduction Act (PRA)

The information collection activities in this proposed rule have been submitted for approval to the OMB under the PRA. The Information Collection Request (ICR) document that the EPA prepared has been assigned EPA ICR number 2537.03. You can find a copy of the ICR in the docket for this rule, and it is briefly summarized here.

The ICR that covers the risk management program rule, promulgated on June 20, 1996; including previous amendments, codified as 40 CFR part 68, is ICR number 1656.15, OMB Control No. 2050–0144. This ICR (2537.03) addresses the following information requirements that were promulgated in the final RMP Amendments rule and not proposed to be rescinded by the proposed revision to the rule:

Improve Information Availability (Applies to all Facilities)

1. Hold a public meeting within 90 days of an accident subject to reporting under § 68.42 (*i.e.,* an RMP reportable accident) and for this accident provide the accident information required under § 68.42 (b).

Improve Emergency Preparedness (Applies to P2 and P3 Facilities)

2. Meet and coordinate with local responders annually to exchange emergency planning information and coordinate exercise schedules. Responding facilities' updates of their facility emergency response plans will include appropriate changes based on information obtained from coordination activities, emergency response exercises, incident investigations or other information. Emergency response plans will have procedures for informing appropriate Federal and state emergency response agencies, as well as local agencies and the public (informing local agencies and the public is already required under the original rule).

3. Conduct an annual notification drill with emergency responders to verify emergency contact information.

4. Responding facilities conduct and document emergency response exercises including:

a. Field exercises according to a schedule established by the facility in consultation with local responders, and;

b. A tabletop exercise at least every three years.

Respondents/affected entities: Manufacturers, utilities, warehouses, wholesalers, food processors, ammonia retailers, and gas processors.

Respondent's obligation to respond: Mandatory (CAA sections 112(r)(7)(B)(i) and (ii), CAA section 112(r)(7)(B)(iii), 114(c), CAA 114(a)(1)).

Estimated number of respondents: 14,280

Frequency of response: On occasion.

Total estimated burden: 682,665 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $44,712,465 (per year), includes $83,600 annualized capital or operation & maintenance costs.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9.

Submit your comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the EPA using the docket identified at the beginning of this rule. You may also send your ICR-related comments to OMB's Office of Information and Regulatory Affairs via email to *oira_submission@omb.eop.gov,* Attention: Desk Officer for the EPA. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after receipt, OMB must receive comments no later than June 29, 2018. The EPA will respond to any ICR-related comments in the final rule.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule.

The RMP Amendments final rule considered a broad range of costs on small entities based on facility type. As estimated in the 2017 Amendments RIA, the provisions in that final rule had quantifiable impacts on small entities. This proposed rule largely repeals, or retains with slight modification, the provisions incurring costs on small entities. As a result, EPA expects the proposed rule to impose negative costs for all facilities, including small entities. The only new costs imposed on small entities would be rule familiarization with the proposed rule, but even that cost would be offset by savings associated with eliminating the larger costs associated with becoming familiar with the RMP Amendments final rule. The impact of this proposed rule on small entities is discussed further in the RIA, which is available in the rulemaking docket.[77] We have therefore concluded that this action will relieve regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have Federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

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

This action has tribal implications. However, it will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law. EPA will be consulting with tribal officials as it develops this regulation to permit them to have meaningful and timely input into its development. Consultation will include conversations with interested

[76] See ''Regulatory Impact Analysis; Reconsideration of the 2017 Amendments to the Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(7)'', in docket EPA–HQ–OEM–2015–0725.

[77] See ''Regulatory Impact Analysis; Reconsideration of the 2017 Amendments to the Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(7)'', Chapter 7, EPA–HQ–OEM–2015–0725.

tribal representatives to ensure that their concerns are addressed before the rule is finalized. In the spirit of Executive Order 13175 and consistent with EPA policy to promote communications between EPA and tribal governments, EPA specifically solicits comment on this proposed rule from tribal officials.

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

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health risks or safety risks addressed by this action present a disproportionate risk to children. This action's health and risk assessments are contained in the RIA for this proposed rule, available in the docket.

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

This proposed action is not a ''significant energy action'' because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. This proposed action is not anticipated to have notable impacts on emissions, costs or energy supply decisions for the affected electric utility industry.

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

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

The EPA believes that this action may have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994).

The documentation for this decision is contained in chapter 8 of the Regulatory Impact Analysis (RIA), a copy of which has been placed in the public docket for this action.

List of Subjects in 40 CFR part 68

Environmental protection, Administrative practice and procedure, Air pollution control, Chemicals, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: May 17, 2018.

E. Scott Pruitt,

Administrator.

For the reasons set out in the preamble, title 40, chapter I, part 68, of the Code of Federal Regulations is proposed to be amended as follows:

PART 68—CHEMICAL ACCIDENT PREVENTION PROVISIONS

■ 1. The authority citation for part 68 continues to read as follows:

Authority: 42 U.S.C. 7412(r), 7601(a)(1), 7661–7661f.

§ 68.3 [Amended]

■ 2. Amend § 68.3 by removing the definitions ''Active measures'', ''Inherently safer technology or design'', ''Passives measures'', ''Practicability'', ''Procedural measures'', ''Root cause'' and ''Third-party audit''.

■ 3. Amend § 68.10 by:

■ a. Revising paragraphs (b), (d), and (e);

■ b. Redesignating paragraphs (f) through (j) as paragraphs (g) through (k); and

■ c. Adding new paragraph (f).

The revisions read as follows:

§ 68.10 Applicability.

* * * * *

(b) By [DATE 1 YEAR AFTER THE EFFECTIVE DATE OF THE FINAL RULE], the owner or operator of a stationary source shall comply with the emergency response coordination activities in § 68.93.

* * * * *

(d) By [DATE 4 YEARS AFTER THE EFFECTIVE DATE OF THE FINAL RULE], the owner or operator shall have developed plans for conducting emergency response exercises in accordance with provisions of § 68.96.

(e) After [DATE 2 YEARS AFTER THE EFFECTIVE DATE OF THE FINAL RULE] the owner or operator of a stationary source shall comply with the public meeting requirement in § 68.210(b) for any accident meeting the five-year accident history requirements of § 68.42 that occurs after [DATE 2 YEARS AFTER THE EFFECTIVE DATE OF THE FINAL RULE].

(f) By [DATE 5 YEARS AFTER THE EFFECTIVE DATE OF THE FINAL RULE], the owner or operator shall comply with § 68.160 (b)(21) of the risk management plan provisions of subpart G of this part promulgated on [PUBLICATION DATE OF FINAL RULE] and with § 68.180 of the risk management plan provisions of subpart G of this part promulgated on January 13, 2017.

* * * * *

§ 68.12 [Amended]

■ 4. Amend § 68.12 by:

■ a. In paragraph (b):

■ 1. In the introductory text removing the text ''68.10(b)'' and adding ''68.10(g)'' in its place;

■ 2. In paragraph (4) second sentence, removing the text ''68.10(b)(1)'' and adding ''68.10(g)(1)'' in its place;

■ b. In paragraph (c) introductory text by removing the text ''68.10(c)'' and adding ''68.10(h)'' in its place;

■ c. In paragraph (d) introductory text by removing the text ''68.10(d)'' and adding ''68.10(i)'' in its place.

■ 5. Amend § 68.50 by revising paragraph (a)(2) to read as follows:

§ 68.50 Hazard review.

(a) * * *

(2) Opportunities for equipment malfunctions or human errors that could cause an accidental release;

* * * * *

■ 6. Amend § 68.54 by revising the first sentence in paragraphs (a) and (b), paragraph (d), and removing paragraph (e) to read as follows:

§ 68.54 Training.

(a) The owner or operator shall ensure that each employee presently operating a process, and each employee newly assigned to a covered process have been trained or tested competent in the operating procedures provided in § 68.52 that pertain to their duties. * * *

(b) *Refresher training.* Refresher training shall be provided at least every three years, and more often if necessary, to each employee operating a process to ensure that the employee understands and adheres to the current operating procedures of the process. * * *

* * * * *

(d) The owner or operator shall ensure that operators are trained in any updated or new procedures prior to startup of a process after a major change.

■ 7. Amend § 68.58 by revising paragraph (a) and removing paragraphs (f) through (h) to read as follows:

§ 68.58 Compliance audits.

(a) The owner or operator shall certify that they have evaluated compliance with the provisions of this subpart at least every three years to verify that the procedures and practices developed under this subpart are adequate and are being followed.

* * * * *

§ 68.59 [Removed]

■ 8. Remove § 68.59.

■ 9. Amend § 68.60 by:

■ a. Revising paragraph (a);

■ b. Removing paragraph (c);

■ c. Redesignating paragraph (d) as paragraph (c)
■ d. In the newly designated paragraph (c):
■ 1. Revising the paragraph introductory text, and paragraphs (1) and (3);
■ 2. Removing paragraphs (4) through (6);
■ 3. Redesignating paragraphs (7) and (8) as paragraphs (4) and (5); and
■ 4. Revising the newly designated paragraphs (4) and (5);
■ e. Redesignating paragraphs (e) through (g) as paragraphs (d) through (f); and
■ f. Revising newly redesignated paragraph (f).

The revisions read as follows:

§ 68.60 Incident investigation.

(a) The owner or operator shall investigate each incident which resulted in, or could reasonably have resulted in a catastrophic release.

* * * * *

(c) A summary shall be prepared at the conclusion of the investigation which includes at a minimum:

(1) Date of incident;

* * * * *

(3) A description of the incident;

(4) The factors that contributed to the incident; and,

(5) Any recommendations resulting from the investigation.

* * * * *

(f) Investigation summaries shall be retained for five years.

■ 10. Amend § 68.65 by revising the first sentence of paragraph (a) and revising the note to paragraph (b) to read as follows:

§ 68.65 Process safety information.

(a) In accordance with the schedule set forth in § 68.67, the owner or operator shall complete a compilation of written process safety information before conducting any process hazard analysis required by the rule. * * *

(b) * * *

Note to paragraph (b): Safety Data Sheets (SDS) meeting the requirements of 29 CFR 1910.1200(g) may be used to comply with this requirement to the extent they contain the information required by paragraph (b) of this section.

■ 11. Amend § 68.67 by:
■ a. Revising paragraphs (c)(2);
■ b. Amending (c)(6) by adding the word ''and'' at the end of the paragraph;
■ c. Amending paragraph (c)(7) by removing '', and '' and adding a period at the end of the paragraph; and
■ d. Removing paragraph (c)(8).

The revisions read as follows:

§ 68.67 Process hazard analysis.

* * * * *

(c) * * *

(2) The identification of any previous incident which had a likely potential for catastrophic consequences;

* * * * *

§ 68.71 [Amended]

■ 12. Amend § 68.71 by removing paragraph (d).

■ 13. Amend § 68.79 by revising paragraph (a) and removing paragraphs (f) through (h) to read as follows:

§ 68.79 Compliance audits.

(a) The owner or operator shall certify that they have evaluated compliance with the provisions of this subpart at least every three years to verify that procedures and practices developed under this subpart are adequate and are being followed.

* * * * *

§ 68.80 [Removed]

■ 14. Remove § 68.80.

■ 15. Amend § 68.81 by revising paragraphs (a) and (d) to read as follows:

§ 68.81 Incident investigation.

(a) The owner or operator shall investigate each incident which resulted in, or could reasonably have resulted in a catastrophic release.

* * * * *

(d) A report shall be prepared at the conclusion of the investigation which includes at a minimum:

(1) Date of incident;

(2) Date investigation began;

(3) A description of the incident;

(4) The factors that contributed to the incident; and,

(5) Any recommendations resulting from the investigation.

* * * * *

■ 16. Amend § 68.93 by revising paragraph (b) and adding paragraphs (d) and (e) to read as follows:

§ 68.93 Emergency response coordination activities.

* * * * *

(b) Coordination shall include providing to the local emergency planning and response organizations: The stationary source's emergency response plan if one exists; emergency action plan; and updated emergency contact information. For responding stationary sources, coordination shall also include consulting with local emergency response officials to establish appropriate schedules and plans for field and tabletop exercises required under § 68.96(b). The owner or operator shall request an opportunity to meet with the local emergency planning committee (or equivalent) and/or local fire department as appropriate to review and discuss those materials.

* * * * *

(d) *Classified information.* The disclosure of information classified by the Department of Defense or other Federal agencies or contractors of such agencies shall be controlled by applicable laws, regulations, or executive orders concerning the release of classified information.

(e) *CBI.* An owner or operator asserting CBI for information required under this section shall provide a sanitized version to the local emergency planning and response organizations. Assertion of claims of CBI and substantiation of CBI claims shall be in the same manner as required in §§ 68.151 and 68.152 for information contained in the RMP required under subpart G. As provided under § 68.151(b)(3), an owner or operator of a stationary source may not claim five-year accident history information as CBI. As provided in § 68.151(c)(2), an owner or operator of a stationary source asserting that a chemical name is CBI shall provide a generic category or class name as a substitute.

■ 17. Amend § 68.96 by:
■ a. Revising the first sentence of paragraph (a);
■ b. Revising paragraph (b)(1)(i) and (ii);
■ c. Revising paragraph (b)(2)(i) and (ii); and
■ d. Revising paragraph (b)(3).

The revisions read as follows:

§ 68.96 Emergency response exercises.

(a) *Notification exercises.* At least once each calendar year, the owner or operator of a stationary source with any Program 2 or Program 3 process shall conduct an exercise of the source's emergency response notification mechanisms required under § 68.90(b)(3) or § 68.95(a)(1)(i), as appropriate, before [DATE 5 YEARS AFTER EFFECTIVE DATE OF FINAL RULE] and annually thereafter. * * *

(b) * * *

(1) * * *

(i) *Frequency.* As part of coordination with local emergency response officials required by § 68.93, the owner or operator shall consult with these officials to establish an appropriate frequency for field exercises.

(ii) *Scope.* Field exercises should include: Tests of procedures to notify the public and the appropriate Federal, state, and local emergency response agencies about an accidental release; tests of procedures and measures for emergency response actions including evacuations and medical treatment; tests of communications systems; mobilization of facility emergency

response personnel, including contractors, as appropriate; coordination with local emergency responders; emergency response equipment deployment; and any other action identified in the emergency response program, as appropriate.

(2) * * *

(i) *Frequency.* As part of coordination with local emergency response officials required by § 68.93, the owner or operator shall consult with these officials to establish an appropriate frequency for tabletop exercises, and shall conduct a tabletop exercise before [DATE 7 YEARS AFTER THE EFFECTIVE DATE OF THE FINAL RULE] and at a minimum of at least once every three years thereafter.

(ii) *Scope.* The exercise should include discussions of: Procedures to notify the public and the appropriate Federal, state, and local emergency response agencies; procedures and measures for emergency response including evacuations and medical treatment; identification of facility emergency response personnel and/or contractors and their responsibilities; coordination with local emergency responders; procedures for emergency response equipment deployment; and any other action identified in the emergency response plan, as appropriate.

(3) *Documentation.* The owner/operator shall prepare an evaluation report within 90 days of each exercise. The report should include: A description of the exercise scenario; names and organizations of each participant; an evaluation of the exercise results including lessons learned; recommendations for improvement or revisions to the emergency response exercise program and emergency response program, and a schedule to promptly address and resolve recommendations.

* * * * *

■ 18. Amend § 68.160 by revising paragraph (b)(21) and removing paragraph (b)(22) to read as follows:

§ 68.160 Registration.

* * * * *

(b) * * *

(21) Whether a public meeting has been held following an RMP reportable accident, pursuant to § 68.210(b).

■ 19. Amend § 68.170 by revising paragraph (i) to read as follows:

§ 68.170 Prevention program/Program 2.

* * * * *

(i) The date of the most recent compliance audit, the expected date of completion of any changes resulting from the compliance audit.

* * * * *

■ 20. Amend § 68.175 by:

■ a. Revising paragraph (e) introductory text and paragraphs (e)(1), (5) and (6);

■ b. Removing paragraph (e)(7); and

■ c. Revising paragraph (k).

The revisions read as follows:

§ 68.175 Prevention program/Program 3.

* * * * *

(e) The date of completion of the most recent PHA or update and the technique used.

(1) The expected date of completion of any changes resulting from the PHA;

* * *

(5) Monitoring and detection systems in use; and

(6) Changes since the last PHA.

* * * * *

(k) The date of the most recent compliance audit and the expected date of completion of any changes resulting from the compliance audit.

* * * * *

■ 21. Amend § 68.180 by revising paragraph (a)(1) to read as follows:

§ 68.180 Emergency response program and exercises.

(a) * * *

(1) Name, phone number and email address of local emergency planning and response organizations with which the stationary source last coordinated emergency response efforts, pursuant to § 68.10(g)(3) or § 68.93.

* * * * *

■ 22. Amend § 68.190 by revising paragraph (c) to read as follows:

§ 68.190 Updates.

* * * * *

(c) If a stationary source is no longer subject to this part, the owner or operator shall submit a de-registration to EPA within six months indicating that the stationary source is no longer covered.

■ 23. Amend § 68.210 by:

■ a. Removing paragraphs (b), (c), (d), and (g);

■ b. Redesignating paragraph (e) and (f) as paragraphs (b) and (c); and

■ c. Revising newly redesignated paragraph (b).

The revision reads as follows:

§ 68.210 Availability of information to the public.

* * * * *

(b) *Public meetings.* The owner or operator of a stationary source shall hold a public meeting to provide information required under § 68.42 (b), no later than 90 days after any accident subject to reporting under § 68.42.

* * * * *

■ 24. Amend § 68.215 by revising paragraph (a)(2)(i) to read as follows:

§ 68.215 Permit content and air permitting authority or designated agency requirements.

(a) * * *

(2) * * *

(i) A compliance schedule for meeting the requirements of this part by the date provided in § 68.10(a) through (f).

* * * * *

[FR Doc. 2018–11059 Filed 5–29–18; 8:45 am]

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FEDERAL REGISTER

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Part III

Department of Defense

48 CFR Chapter 204, 212, et al.

Federal Acquisition Regulations; Final Rules and Proposed Rule

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 204, 212, and 252

[Docket DARS–2017–0016]

RIN 0750–AJ55

Defense Federal Acquisition Regulation Supplement: Repeal of DFARS Provision ''Alternative Line Item Structure'' (DFARS Case 2017–D045)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to remove a provision that provided guidelines to offerors when proposing an alternative line item structure in response to a solicitation.

DATES: Effective May 30, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Carrie Moore, telephone 571–372–6093.

SUPPLEMENTARY INFORMATION:

I. Background

DoD is amending the DFARS to remove DFARS provision 252.204–7011, Alternative Line Item Structure, the associated prescription at DFARS 204.7109(b), and a cross-reference at DFARS 212.301(f)(ii)(C). DFARS provision 252.204–7011 advises offerors that they may propose an alternative to the contract line item structure included in the solicitation. The purpose of this provision is to ensure that the resulting contract structure is economically and administratively advantageous to both the Government and the contractor. This provision is prescribed for use in all solicitations that use Federal Acquisition Regulation (FAR) part 12 procedures for the acquisition of commercial items or for the initial provisioning of spares.

However, this DFARS provision is duplicative of the information provided in FAR provision 52.204–22, Alternative Line Item Proposal, which is included in all solicitations. When the DFARS provision was implemented, no standardized guidance on line item structure existed for the Government or contractors. A final rule was published in the **Federal Register** on January 13, 2017, at 82 FR 4709 to implement a uniform line item structure in the FAR for all Federal Government. That final rule established FAR provision 52.204–22, Alternate Line Item Proposal, which covers the information included in DFARS 252.204–7011. As a result, the DFARS provision is now redundant and can be removed.

The removal of this DFARS provision supports a recommendation from the DoD Regulatory Reform Task Force. On February 24, 2017, the President signed Executive Order (E.O.) 13777, ''Enforcing the Regulatory Reform Agenda,'' which established a Federal policy ''to alleviate unnecessary regulatory burdens'' on the American people. In accordance with E.O. 13777, DoD established a Regulatory Reform Task Force to review and validate DoD regulations, including the DFARS. A public notice of the establishment of the DFARS Subgroup to the DoD Regulatory Reform Task Force, for the purpose of reviewing DFARS provisions and clauses, was published in the **Federal Register** at 82 FR 35741 on August 1, 2017, and requested public input. No public comments were received on this provision. Subsequently, the DoD Task Force reviewed the requirements of DFARS 252.204–7011, Alternate Line Item Structure, and determined that the DFARS coverage was redundant and recommended removal.

II. Applicability to Contracts at or Below the Simplified Acquisition Threshold and for Commercial Items, Including Commercially Available Off-the-Shelf Items

This rule only removes obsolete DFARS provision 252.204–7011, Alternate A, System for Award Management. Therefore, the rule does not impose any new requirements on contracts at or below the simplified acquisition threshold and for commercial items, including commercially available off-the-shelf items.

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

IV. Executive Order 13771

This rule is not an E.O. 13771, Reducing and Controlling Regulatory Costs, regulatory action, because this rule is not significant under E.O. 12866.

V. Publication of This Final Rule for Public Comment Is Not Required by Statute

The statute that applies to the publication of the Federal Acquisition Regulation (FAR) is the Office of Federal Procurement Policy statute (codified at title 41 of the United States Code). Specifically, 41 U.S.C. 1707(a)(1) requires that a procurement policy, regulation, procedure or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because DoD is not issuing a new regulation; rather, this rule merely removes an obsolete requirement from the DFARS.

VI. Regulatory Flexibility Act

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 41 U.S.C. 1707(a)(1) (see section III. of this preamble), the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

VII. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 204, 212, and 252

Government procurement.

Amy G. Williams,

Deputy, Defense Acquisition Regulations System.

Therefore, 48 CFR parts 204, 212, and 252 are amended as follows:

■ 1. The authority citation for parts 204, 212, and 252 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

PART 204—ADMINISTRATIVE MATTERS

■ 2. Revise section 204.7109 to read as follows:

204.7109 Contract clause.

Use the clause at 252.204–7006, Billing Instructions, in solicitations and contracts if Section G includes—

(a) Any of the standard payment instructions at PGI 204.7108)(d)(1) through (6); or

(b) Other payment instructions, in accordance with PGI 204.7108(d)(12), that require contractor identification of the contract line item(s) on the payment request.

PART 212—ACQUISITION OF COMMERCIAL ITEMS

212.301 [Amended]

■ 3. Amend section 212.301 by—

■ a. Removing paragraph (f)(ii)(C); and

■ b. Redesignating paragraphs (f)(ii)(D) through (G) as paragraphs (f)(ii)(C) through (F), respectively.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.204–7011 [Removed and Reserved]

■ 4. Remove and reserve section 252.204–7011.

[FR Doc. 2018–11339 Filed 5–29–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 204, 212, 222, and 252

[Docket DARS–2018–0016]

RIN 0750–AJ67

Defense Federal Acquisition Regulation Supplement: Repeal of DFARS Provision ''Representation Regarding Combating Trafficking in Persons'' (DFARS Case 2018–D003)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to remove a provision that is no longer necessary and duplicative of an existing Federal Acquisition Regulation (FAR) clause.

DATES: Effective May 30, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Carrie Moore, telephone 571–372–6093.

SUPPLEMENTARY INFORMATION:

I. Background

DoD is amending the DFARS to remove the DFARS provision 252.222–7007, Representation Regarding Combating Trafficking in Persons, the associated provision prescription at DFARS 222.1771, and cross references to the provision at DFARS 204.1202 and 212.301. The DFARS provision notified offerors that, by submitting their offer to the Government, they certify that they will not engage in trafficking in persons in performance of the contract, will have policies in place to protect the rights of its employees, and have notified employees and subcontractors of their responsibility to report trafficking in persons violations and their protection from reprisal for reporting any such violation.

However, the United States Government has laws that prohibit trafficking in persons at 22 U.S.C. chapter 78 and Executive Order 13627, Strengthening Protections Against Trafficking in Persons in Federal Contracts. In addition, FAR clause, 52.222–50, Combating Trafficking in Persons, provides comprehensive guidance to contractors to ensure their compliance with the Government's laws and policies on trafficking in persons when performing under a Federal contract. Specifically, the FAR clause prohibits contractors from engaging in trafficking in persons during the performance of the contract, requires contractors to notify its employees and subcontractors of the Government's policy on trafficking in persons, and requires the contractor to have a compliance plan in place to ensure agreement with Federal law and policy. The purpose of the DFARS provision was to simply affirm that the contractor will comply with Federal trafficking in persons laws and policies. The provision contained no guidance or policy unique to DoD. As such, this DFARS provision is unnecessary and can be removed.

The removal of this DFARS text supports a recommendation from the DoD Regulatory Reform Task Force. On February 24, 2017, the President signed Executive Order (E.O.) 13777, ''Enforcing the Regulatory Reform Agenda,'' which established a Federal policy ''to alleviate unnecessary regulatory burdens'' on the American people. In accordance with E.O. 13777, DoD established a Regulatory Reform Task Force to review and validate DoD regulations, including the DFARS. A public notice of the establishment of the DFARS Subgroup to the DoD Regulatory Reform Task Force, for the purpose of reviewing DFARS provisions and clauses, was published in the **Federal Register** at 82 FR 35741 on August 1, 2017, and requested public input. Two public comments were received on this provision. Both comments recommended elimination of the provision, as it is unnecessary. Subsequently, the DoD Task Force reviewed the requirements of DFARS provision 252.222–7007, Representation Regarding Combating Trafficking in Persons, and determined that the DFARS coverage was unnecessary and recommended removal.

II. Applicability to Contracts at or Below the Simplified Acquisition Threshold and for Commercial Items, Including Commercially Available Off-the-Shelf Items

This rule does not add any new provisions or clauses or impact existing provisions or clauses. The rule merely removes DFARS provision 252.222–7007, Representation Regarding Combating Trafficking in Persons that is redundant to FAR clause, 52.222–50, Combating Trafficking in Persons.

III. Publication of This Final Rule for Public Comment is not Required by Statute

The statute that applies to the publication of the Federal Acquisition Regulation (FAR) is the Office of Federal Procurement Policy statute (codified at title 41 of the United States Code). Specifically, 41 U.S.C. 1707(a)(1) requires that a procurement policy, regulation, procedure or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because DoD is not issuing a new regulation; rather, this rule merely removes an obsolete provision from the DFARS.

IV. Executive Orders 12866 and 13563

Executive Order (E.O.) 12866, Regulatory Planning and Review; and E.O. 13563, Improving Regulation and Regulatory Review, direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and

equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Office of Management and Budget, Office of Information and Regulatory Affairs (OIRA), has determined that this is not a significant regulatory action as defined under section 3(f) of E.O. 12866 and, therefore, was not subject to review under section 6(b). This rule is not a major rule as defined at 5 U.S.C. 804(2).

V. Exe This rule is not an E.O. 13771, Reducing and Controlling Regulatory Costs, regulatory action, because this rule is not significant under E.O. 12866.cutive Order 13771

This rule is not an E.O. 13771, Reducting and Controlling Regulatory Costs, regulatory action, because this rule is not significant under EO 12866.

VI. Regulatory Flexibility Act

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 41 U.S.C. 1707(a)(1) (see section III. of this preamble), the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

VII. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 204, 212, 222, and 252

Government procurement.

Amy G. Williams,

Deputy, Defense Acquisition Regulations System.

PART 204—ADMINISTRATIVE MATTERS

Therefore, 48 CFR parts 204, 212, 222, and 252 are amended as follows:

■ 1. The authority citation for parts 204, 212, 222, and 252 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

PART 204—ADMINISTRATIVE MATTERS

204.1202 [Amended]

■ 2. Amend section 204.1202 by—

■ a. Removing paragraph (2)(iv); and

■ b. Redesignating paragraphs (2)(v) through (xiv) as paragraphs (iv) through (xiii), respectively.

PART 212—ACQUISITION OF COMMERCIAL ITEMS

212.301 [Amended]

■ 3. Amend section 212.301 by—

■ a. Removing paragraph (f)(viii); and

■ b. Redesignating paragraphs (f)(ix) through (xx) as paragraphs (f)(viii) through (xix), respectively.

PART 222—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

222.1771 [Removed]

■ 4. Remove section 222.1771.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.222–7007 [Removed]

■ 5. Remove section 252.222–7007.

[FR Doc. 2018–11340 Filed 5–29–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 211, 215, 216, 218, and 225

[Docket DARS–2018–0026]

RIN 0750–AJ86

Defense Federal Acquisition Regulation Supplement: Delegation of Special Emergency Procurement Authority (DFARS Case 2018–D024)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is amending the Defense Federal Acquisition Regulation Supplement (DFARS) to delegate to the head of the contracting activity the decision authorities provided to the head of the agency by sections of the National Defense Authorization Act for Fiscal Year 2018 that provide new special emergency procurement authorities. This final rule also makes conforming changes to nonstatutory emergency acquisition flexibilities relating to item-unique identification, receipt of only one offer, and limitations on time-and-materials contracts.

DATES: Effective May 30, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, telephone 571–372–6106.

SUPPLEMENTARY INFORMATION:

I. Background

Sections 816 and 164 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2018 (Pub. L. 115–91) add new special emergency procurement authorities to include acquisitions, as determined by the head of the agency, that facilitate defense against or recovery from cyber attack; facilitate the provision of international disaster assistance; or support response to an emergency or major disaster. These sections 816 and 1641 are being implemented in the Federal Acquisition Regulation (FAR) under FAR Case 2018–009.

Prior to this final rule, DFARS 218.271 delegated to the head of the contracting activity the determination authority for application of the previously existing special emergency procurement authorities (support of a contingency operation or to facilitate defense against or recovery from nuclear, biological, chemical, or radiological attack). In addition, the DFARS has provided nonstatutory emergency acquisition flexibilities relating to item-unique identification, receipt of only one offer, and limitations on time-and-materials contracts in circumstances similar to, but somewhat more expansive than those covered by the statutory special emergency procurement authorities.

II. Discussion and Analysis

This final rule delegates authority to the head of the contracting activity at DFARS 218.271 (redesignated 218.270) whatever special procurement authorities are specified in the FAR. This final rule also makes conforming changes to nonstatutory emergency acquisition flexibilities relating to item-unique identification (DFARS 211.274–2(b)(1)), receipt of only one offer (DFARS 215.371–4(a)(2)), and limitations on time-and-materials contracts (DFARS 216.601(d)(i)(A)(*3*)) and the associated references in part 218.

However, this final rule does not provide an exception at DFARS 211.274–2(b)(1) to the requirement for item unique identification, for acquisitions that facilitate defense against or recovery from cyber attack, because one of the reasons for use of item-unique identification is to ensure item-level traceability throughout the lifecycle to enhance cyber security (DFARS 211.274–1(e)). Therefore, in

order to facilitate defense against or recovery from a cyber attack, item unique identification is particularly required for high-risk items identified by the requiring activity as a target of cyber threats, regardless of dollar value (DFARS 211.274–2(a)(3)(v)).

In addition, the coverage at DFARS 218.270 of the increased simplified acquisition threshold when a humanitarian or peacekeeping operation is declared has been removed from DFARS, because it is now covered in the FAR in the definition of ''simplified acquisition threshold'' in FAR 2.101 and at DFARS 218.204.

III. Applicability to Contracts at or Below the Simplified Acquisition Threshold and for Commercial Items, Including Commercially Available Off-the-Shelf Items

This rule does not add any new solicitation provisions or contract clauses. It does add exceptions to the required use of the clause at DFARS 252.211–7003, Item Unique Identification and Valuation. The clause is not required when acquiring items to be used to support a humanitarian or peacekeeping operation or to facilitate the provision of international disaster assistance or to support response to an emergency or major disaster. This clause already applies to the acquisition of commercial items, but this rule will reduce the required usage of the clause.

IV. Publication of This Final Rule for Public Comment Is Not Required by Statute

The statute that applies to the publication of the Federal Acquisition Regulation (FAR) is the Office of Federal Procurement Policy statute (codified at title 41 of the United States Code). Specifically, 41 U.S.C 1707(a)(1) requires that a procurement policy, regulation, procedure or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because the rule primarily affects the internal operating procedures of the Government. Specifically, this rule:

- Delegates the special emergency procurement authorities to the head of the contracting activity at DFARS 218.270.
- Makes conforming changes to the exception to the only one offer policy (DFARS 215.371–5) and the exception to the required approval of the determination and findings for time-and-materials or labor-hour contracts (DFARS 216.601(d)(i)(A)(3)) when the acquisition is to facilitate defense against or recovery from a cyber attack, to facilitate the provision of international disaster assistance, or to support response to an emergency or major disaster; and the corresponding references in DFARS part 218 and 225.
- Adds an exception to the policy at DFARS 211.274–2(b)(1) for providing DoD item unique identification when the acquisition is in support of a humanitarian or peacekeeping operation, facilitates the provision of international disaster assistance, or supports response to an emergency or major

V. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

VI. Executive Order 13771

This rule is not an Executive Order (E.O.) 13771, Reducing Regulation and Controlling Regulatory Costs, regulatory action, because the rule relates to agency organization, management, or personnel.

VII. Regulatory Flexibility Act

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 41 U.S.C. 1707(a)(1) (see section VI. of this preamble), the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

VIII. Paperwork Reduction Act

The rule will result in a de minimis reduction of burden hours through slight reduction in use of DFARS clause 252.211–7003. When contractors utilize Wide Area Workflow in accordance with DFARS 252.232–7003 and Appendix F, the item unique identification information required by DFARS 252.211–7003 is automatically transmitted to the IUID Registry. The burden imposed by DFARS 252.211–7003 is approved by the Office of Management and Budget under OMB clearance 0704–0248, Appendix F, Inspection and Receiving, in accordance with the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 211, 215, 216, 218, and 225

Government procurement.

Amy G. Williams,

Deputy, Editor, Defense Acquisition Regulations System.

Therefore, 48 CFR parts 211, 215, 216, 218, and 225 are amended as follows:

■ 1. The authority citation for parts 211, 215, 216, 218, and 225 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

PART 211—DESCRIBING AGENCY NEEDS

■ 2. In section 211.274–2, revise paragraph (b)(1) to read as follows:

211.274–2 Policy for item unique identification.

* * * * *

(b) * * *

(1) The items, as determined by the head of the contracting activity, are to be used to support a contingency or humanitarian or peacekeeping operation; to facilitate defense against or recovery from nuclear, biological, chemical, or radiological attack; to facilitate the provision of international disaster assistance; or to support response to an emergency or major disaster; or

* * * * *

PART 215—CONTRACTING BY NEGOTIATION

■ 3. In section 215.371–4, revise paragraph (a)(2) to read as follows:

215.371–4 Exceptions.

(a) * * *

(2) Acquisitions, as determined by the head of the contracting activity, in support of contingency or humanitarian or peacekeeping operations; to facilitate defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack; to facilitate the provision of international disaster

assistance; or to support response to an emergency or major disaster;

* * * * *

PART 216—TYPES OF CONTRACTS

■ 4. In section 216.601, revise paragraph (d)(i)(A)(*3*) to read as follows:

216.601 Time-and-materials contracts.

(d) * * *

(i) * * *

(A) * * *

(*3*) *Exception.* The approval requirements in paragraphs (d)(i)(A)(*1*) and (*2*) of this section do not apply to contracts that, as determined by the head of the contracting activity—

(*i*) Support contingency or humanitarian or peacekeeping operations;

(*ii*) Facilitate defense against or recovery from conventional, cyber, nuclear, biological, chemical or radiological attack;

(*iii*) Facilitate the provision of international disaster assistance; or

(*iv*) Support response to an emergency or major disaster.

* * * * *

PART 218—EMERGENCY ACQUISITIONS

■ 5. Amend section 218.201 by—

■ a. In paragraph (2), removing ''agency'' and adding ''contracting activity'' in its place;

■ b. Redesignating paragraphs (7) through (10) as paragraphs (9) through (12), respectively; and

■ c. Adding new paragraphs (7) and (8) to read as follows:

218.201 Contingency operation.

* * * * *

(7) *Only one offer.* The requirements at sections 215.371–2 do not apply to acquisitions, as determined by the head of the contracting activity, in support of a contingency operation. See 215.371–4(a)(2).

(8) *Approval of determination and findings for time-and-materials or labor-hour contracts.* The approval requirements in paragraphs (d)(i)(A)(*1*) and (*2*) of this section do not apply to contracts that, as determined by the head of the contracting activity, support contingency. See 216.601(d)(3).

* * * * *

■ 6. Revise section 218.202 to read as follows:

218.202 Defense or recovery from certain events.

For acquisitions that, as determined by the head of the contracting activity, are to facilitate defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack; to facilitate provision of international disaster assistance; or to support response to an emergency or major disaster, the following requirements do not apply:

(1) *Policy for unique item identification at 211.274–2(a).* Contractors are not required to provide DoD unique item identification if the items are to be used to facilitate defense against or recovery from nuclear, biological, chemical, or radiological attack. However, contractors are not exempt from this requirement if the items are to be used to facilitate defense against or recovery from cyber attack. See 211.274–2(b).

(2) *Only one offer requirements at section* 215.371–2. See 215.371–4(a)(2).

(3) *Approval of determination and findings for time-and-materials or labor-hour contracts at 216.601(d)(i)(A)(1) and (2).* See 216.601(d)(3).

■ 7. Add section 218.204 to read as follows:

218.204 Humanitarian or peacekeeping operation.

The following requirements do not apply to acquisitions that, as determined by the head of the contracting activity, are in support of humanitarian or peacekeeping operations:

(1) *Policy for item unique identification at 211.274–2(a).* See 211.274–2(b).

(2) *Only one offer requirements at sections* 215.371–2. See 215.371–4(a)(2).

(3) *Approval of determination and findings for time-and-materials or labor-hour contracts at 216.601(d)(i)(A)(1) and (2).* See 216.601(d)(3).

218.270 [Removed]

■ 8. Remove section 218.270.

218.271 [Redesignated as 218.270]

■ 9. Redesignate section 218.271 as section 218.270 and revise the introductory text and paragraph (a) to read as follows:

218.270 Head of contracting activity determinations.

The term ''head of the agency'' is replaced with ''head of the contracting activity,'' as defined in FAR 2.101, in the following locations:

(a) FAR 2.101: definition of ''simplified acquisition threshold.''

* * * * *

218.272 [Redesignated as 218.271 and Amended]

■ 10. Redesignate section 218.272 as section 218.271 and remove ''PGI 218.272'' and add ''PGI 218.271'' in its place.

PART 225—FOREIGN ACQUISITION

225.374 [Amended]

■ 11. Amend section 225.374 by removing ''See 218.272'' and adding ''See 218.271'' in its place.

[FR Doc. 2018–11341 Filed 5–29–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 225

[Docket DARS–2018–0025]

RIN 0750–AJ70

Defense Federal Acquisition Regulation Supplement: Repeal of Restrictions on Chemical Weapons Antidote (DFARS Case 2018–D006)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is issuing a final rule to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a section of the National Defense Authorization Act for Fiscal Year 2018 that established a sunset date for restrictions on acquisition of chemical weapons antidote contained in automatic injectors, or the components of such injectors.

DATES: Effective October 1, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, telephone 571–372–6106.

SUPPLEMENTARY INFORMATION:

I. Background

This final rule implements section 813(a) of the National Defense Authorization Act for Fiscal Year 2018, which amends 10 U.S.C. 2534(c) to establish a sunset date of October 1, 2018, for 10 U.S.C. 2534(a)(2) and (b)(2), the limitation on procurement of chemical weapons antidote contained in automatic injectors (and components for such injectors).

This rule deletes DFARS 225.7005 in its entirety to remove the obsolete text regarding restrictions on certain chemical weapons antidote.

II. Applicability to Contracts at or Below the Simplified Acquisition Threshold and for Commercial Items, Including Commercially Available Off-the-Shelf Items

This rule does not add any new burdens or impact applicability of clauses and provisions at or below the simplified acquisition threshold, or to acquisition of commercial items.

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

IV. Executive Order 13771

This final rule is not an E.O. 13771, Reducing Regulation and Controlling Regulatory Costs, regulatory action, because this rule is not significant under E.O. 12866.

V. Publication of This Final Rule for Public Comment Is Not Required by Statute

The statute that applies to the publication of the Federal Acquisition Regulation is the Office of Federal Procurement Policy statute (codified at title 41 of the United States Code). Specifically, title 41 U.S.C. 1707(a)(1) requires that a procurement policy, regulation, procedure, or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because it just removes obsolete text from the DFARS, which affects only the internal operating procedures of the Government.

VI. Regulatory Flexibility Act

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 41 U.S.C. 1707(a)(1) (see section V. of this preamble), the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

VII. Paperwork Reduction Act

This rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Part 225

Government procurement.

Amy G. Williams,

Deputy, Defense Acquisition Regulations System.

Therefore, 48 CFR part 225 is amended as follows:

PART 225–FOREIGN ACQUISITION

■ 1. The authority citation for part 225 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 chapter 1.

225.7005 [Removed and Reserved]

■ 2. Remove and reserve section 225.7005.

225.7005–1 [Removed]

■ 3. Remove section 225.7005–1.

225.7005–2 [Removed]

■ 4. Remove section 225.7005–2.

225.7005–3 [Removed]

■ 5. Remove section 225.7005–3.

[FR Doc. 2018–11343 Filed 5–29–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 252

[Docket DARS–2018–0030]

RIN 0750–AJ88

Defense Federal Acquisition Regulation Supplement: Modification of DFARS Clause "Riding Gang Member Requirements" (DFARS Case 2018–D026)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to clarify the agency that conducts the background check procedures that are required for contractors who perform work on U.S.-flag vessels under DoD contracts for ocean transportation services.

DATES: Effective May 30, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Carrie Moore, telephone 571–372–6093.

SUPPLEMENTARY INFORMATION:

I. Background

DoD is amending the DFARS to modify the clause at DFARS 252.247–7027, Riding Gang Member Requirements. This DFARS clause is included in solicitations and contracts for the acquisition of commercial items, which are for the charter of, or contract for carriage of cargo by, a U.S.-flag vessel documented under 46 U.S.C., chapter 121.

DFARS clause, 252.247–7027, Riding Gang Member Requirements, ensures that riding gang members are qualified to serve on board the vessel and that both riding gang members and DoD-exempted individuals onboard will not pose a security risk based on criminal or other records. Paragraph (c)(2)(i)(B) of the clause requires the contractor to immediately remove any exempted individual from the vessel that is deemed unsuitable by Military Sealift Command (MSC) Force Protection. This requirement imposes duties on MSC that exceed the scope of their personnel screening agreement. MSC has authorization to screen persons who have access to MSC chartered vessels, but they do not screen persons who have access to non-MSC chartered or contracted vessels. This paragraph is modified to state that the Government agency conducting the background

check is the authority responsible for deeming the individual unsuitable, not MSC.

The modification of this DFARS clause supports a recommendation from the DoD Regulatory Reform Task Force. On February 24, 2017, the President signed Executive Order (E.O.) 13777, ''Enforcing the Regulatory Reform Agenda,'' which established a Federal policy ''to alleviate unnecessary regulatory burdens'' on the American people. In accordance with E.O. 13777, DoD established a Regulatory Reform Task Force to review and validate DoD regulations, including the DFARS. A public notice of the establishment of the DFARS Subgroup to the DoD Regulatory Reform Task Force, for the purpose of reviewing DFARS provisions and clauses, was published in the **Federal Register** at 82 FR 35741 on August 1, 2017, and requested public input. No public comments were received on this provision. Subsequently, the DoD Task Force reviewed the requirements of DFARS clause 252.247–7027 and determined that the clause text needed to be modified.

II. Applicability to Contracts at or Below the Simplified Acquisition Threshold (SAT) and for Commercial Items, Including Commercially Available Off-the-Shelf Items

This rule does not add any new provisions or clauses. The rule only revises DFARS clause 252.247–7027, Riding Gang Member Requirements, to state that the Government agency conducting the background check is the authority responsible for deeming the individual unsuitable, in lieu of the Military Sealift Command force protection personnel. This clause is already prescribed for use in commercial item acquisitions, and for use below the SAT.

III. Publication of This Final Rule for Public Comment Is Not Required by Statute

The statute that applies to the publication of the Federal Acquisition Regulation (FAR) is the Office of Federal Procurement Policy statute (codified at title 41 of the United States Code). Specifically, 41 U.S.C. 1707(a)(1) requires that a procurement policy, regulation, procedure or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because DoD is not issuing a new regulation; rather, this rule simply updates the name of a Government agency to reflect current Government procedures.

IV. Executive Orders 12866 and 13563

E.O. 12866, Regulatory Planning and Review; and E.O. 13563, Improving Regulation and Regulatory Review, direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Office of Management and Budget, Office of Information and Regulatory Affairs (OIRA), has determined that this is not a significant regulatory action as defined under section 3(f) of E.O. 12866 and, therefore, was not subject to review under section 6(b). This rule is not a major rule as defined at 5 U.S.C. 804(2).

V. Executive Order 13771

This rule is not an Executive Order (E.O.) 13771, Reducing Regulation and Controlling Regulatory Costs, regulatory action, because the rule is not significant under E.O. 12866.

VI. Regulatory Flexibility Act

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 41 U.S.C. 1707(a)(1) (see section III. of this preamble), the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

VII. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Part 252

Government procurement.

Amy G. Williams,

Deputy, Defense Acquisition Regulations System.

Therefore, 48 CFR part 252 is amended as follows:

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 1. The authority citation for part 252 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

252.247–7027 [Amended]

■ 2. Amend section 252.247–7027 by—

■ a. Removing the clause date ''(OCT 2011)'' and adding ''(MAY 2018)'' in its place; and

■ b. In paragraph (c)(2)(i)(B), removing ''Military Sealift Command Force Protection personnel'' and adding ''the Government agency conducting the background checks'' in its place.

[FR Doc. 2018–11344 Filed 5–29–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 222, 237, and 252

[Docket DARS–2018–0032]

RIN 0750–AJ54

Defense Federal Acquisition Regulation Supplement: Repeal of DFARS Clause ''Right of First Refusal of Employment–Closure of Military Installations'' (DFARS Case 2018–D002)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to remove a clause that is duplicative of an existing Federal Acquisition Regulation (FAR) clause that requires a contractor to give Government personnel the right of first refusal for employment openings in certain situations.

DATES: Effective May 30, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Carrie Moore, telephone 571–372–6093.

SUPPLEMENTARY INFORMATION:

I. Background

DoD is amending the DFARS to remove DFARS clause 252.222–7001, Right of First Refusal of Employment-Closure of Military Installations, the associated clause prescription at DFARS 222.7102, the policy guidance at DFARS 222.7101, and a cross-reference at DFARS 237.7401 to subpart 222.71. In the event of a closure of a military installation, the DoD 4165.66–M, Base Redevelopment and Realignment Manual, advises that Government employees at closing installations have the right of first refusal for certain jobs with contractors hired to prepare the installation for closure or to maintain it after closure. Generally, these jobs are in areas of environmental restoration, utilities modification, roads and grounds work, security, and fire protection.

The DFARS clause and associated guidance restates the information from DoD 4165.66–M. The clause also advises that Government personnel seeking preference in such situations must provide evidence of their eligibility to the contractor. The DFARS clause prescription requires the clause be included in all solicitations and contracts arising from the closure of the military installation where the contract will be performed.

FAR clause 52.207–3, Right of First Refusal of Employment, is required in solicitations and contracts that will result in a conversion of work currently being performed by the Government to work being performed under contract. Like the DFARS clause, the FAR clause advises contractors that Government personnel who have been or will be adversely affected by award of the contract have the right of first refusal for jobs created under the contract for which they are qualified. The FAR clause also requires the Government to provide the contractor with a list of Government personnel who have been or will be adversely affected by the contract award and requires the contractor to report to the Government the names of any listed individuals who are hired after contract performance begins.

The DFARS clause is no longer necessary, because the FAR clause applies to the situations in which the DFARS clause is prescribed for use and covers the information contained in the DFARS clause. As such, this DFARS clause is now redundant and can be removed.

The removal of this DFARS text supports a recommendation from the DoD Regulatory Reform Task Force. On February 24, 2017, the President signed Executive Order (E.O.) 13777, ''Enforcing the Regulatory Reform Agenda,'' which established a Federal policy ''to alleviate unnecessary regulatory burdens'' on the American people. In accordance with E.O. 13777, DoD established a Regulatory Reform Task Force to review and validate DoD regulations, including the DFARS. A public notice of the establishment of the DFARS Subgroup to the DoD Regulatory Reform Task Force, for the purpose of reviewing DFARS provisions and clauses, was published in the **Federal Register** at 82 FR 35741 on August 1, 2017, and requested public input. No public comments were received on this provision. Subsequently, the DoD Task Force reviewed the requirements of DFARS clause 252.222–7001, Right of First Refusal of Employment-Closure of Military Installations, determined that the DFARS coverage was redundant, and recommended removal.

II. Applicability to Contracts at or Below the Simplified Acquisition Threshold (SAT) and for Commercial Items, Including Commercially Available Off-the-Shelf (COTS) Items

This rule only removes obsolete DFARS provision 252.222–7001, Right of First Refusal of Employment-Closure of Military Installations. Therefore, the rule does not impose any new requirements on contracts at or below the SAT and for commercial items, including COTS items.

III. Executive Orders 12866 and 13563

E.O. 12866, Regulatory Planning and Review; and E.O. 13563, Improving Regulation and Regulatory Review, direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Office of Management and Budget, Office of Information and Regulatory Affairs (OIRA), has determined that this is not a significant regulatory action as defined under section 3(f) of E.O. 12866 and, therefore, was not subject to review under section 6(b). This rule is not a major rule as defined at 5 U.S.C. 804(2).

IV. Executive Order 13771

This final rule is not an E.O. 13771, Reducing Regulation and Controlling Regulatory Costs, regulatory action, because this rule is not significant under E.O. 12866.

V. Publication of This Final Rule for Public Comment Is Not Required by Statute

The statute that applies to the publication of the FAR is the Office of Federal Procurement Policy statute (codified at title 41 of the United States Code). Specifically, 41 U.S.C. 1707(a)(1) requires that a procurement policy, regulation, procedure or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because DoD is not issuing a new regulation; rather, this rule merely removes an obsolete clause from the DFARS.

VI. Regulatory Flexibility Act

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 41 U.S.C. 1707(a)(1) (see section V. of this preamble), the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

VII. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 222, 237, and 252

Government procurement.

Amy G. Williams,

Deputy, Defense Acquisition Regulations System.

Therefore, parts 222, 237, and 252 are amended as follows:

■ 1. The authority citation for parts 222, 237, and 252 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

PART 222—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

Subpart 222.71 [Removed and Reserved]

■ 2. Remove and reserve subpart 222.71, consisting of sections 222.7101 and 222.7102.

PART 237—SERVICE CONTRACTING

237.7401 [Amended]

■ 3. Amend section 237.7401 by removing paragraph (d).

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.222–7001 [Removed and Reserved]

■ 4. Remove and reserve section 252.222–7001.

[FR Doc. 2018–11346 Filed 5–29–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 204 and 252

[Docket DARS–2017–0015]

RIN 0750–AJ54

Defense Federal Acquisition Regulation Supplement: Repeal of DFARS Provision "Alternate A, System for Award Management" (DFARS Case 2017–D044)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to remove a provision that is duplicative of an existing Federal Acquisition Regulation (FAR) provision that requires a vendor to enter Commercial and Government Entity (CAGE) code information into a Governmentwide database prior to award of any contract or agreement.

DATES: Effective May 30, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Carrie Moore, telephone 571–372–6093.

SUPPLEMENTARY INFORMATION:

I. Background

DoD is amending the DFARS to remove the DFARS provision 252.204–7004, Alternate A, System for Award Management (SAM), and the associated provision prescription at DFARS 204.1105. The DFARS provision provided definitions that are to be substituted for the definitions in paragraph (a) of the FAR provision 52.204–7, System for Award Management. The FAR provision is prescribed for use in most solicitations. The purpose of the FAR provision is to inform offerors of the requirement to be registered in SAM in order to be eligible for an award. The DFARS provision was created for use in DoD solicitations, to ensure, in part, that offerors responding to DoD solicitations understood that they needed to enter a CAGE code in SAM in order to be considered registered in the system. However, the DFARS provision is no longer necessary, because the definition of ''Registered in the System for Award Management (SAM) database'' in paragraph (a) of the FAR provision has been updated to include a CAGE code as part of the information required from an offeror in order to be considered registered in SAM. As such, this DFARS alternate provision is redundant and can be removed.

The removal of this DFARS text supports a recommendation from the DoD Regulatory Reform Task Force. On February 24, 2017, the President signed Executive Order (E.O.) 13777, ''Enforcing the Regulatory Reform Agenda,'' which established a Federal policy ''to alleviate unnecessary regulatory burdens'' on the American people. In accordance with E.O. 13777, DoD established a Regulatory Reform Task Force to review and validate DoD regulations, including the DFARS. A public notice of the establishment of the DFARS Subgroup to the DoD Regulatory Reform Task Force, for the purpose of reviewing DFARS provisions and clauses, was published in the **Federal Register** at 82 FR 35741 on August 1, 2017, and requested public input. No public comments were received on this provision. Subsequently, the DoD Task Force reviewed the requirements of DFARS provision 252.204–7004, Alternate A, System for Award Management, and determined that the DFARS coverage was redundant and recommended removal.

II. Applicability to Contracts at or Below the Simplified Acquisition Threshold and for Commercial Items, Including Commercially Available Off-the-Shelf Items

This rule merely removes obsolete DFARS provision 252.204–7004, Alternate A, System for Award Management. Therefore, the rule does not impose any new requirements on contracts at or below the simplified acquisition threshold and for commercial items, including commercially available off-the-shelf items.

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

IV. Executive Order 13771

This rule is not an E.O. 13771, Reducing and Controlling Regulatory Costs, regulatory action, because this rule is not significant under E.O. 12866.

V. Publication of This Final Rule for Public Comment Is Not Required by Statute

The statute that applies to the publication of the Federal Acquisition Regulation (FAR) is the Office of Federal Procurement Policy statute (codified at title 41 of the United States Code). Specifically, 41 U.S.C. 1707(a)(1) requires that a procurement policy, regulation, procedure or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because DoD is not issuing a new regulation; rather, this rule merely removes an obsolete requirement from the DFARS.

VI. Regulatory Flexibility Act

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 41 U.S.C. 1707(a)(1) (see section III. of this preamble), the analytical requirements of the Regulatory Flexibility Act (5

U.S.C. 601 *et seq.*) are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

VII. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 204 and 252

Government procurement.

Amy G. Williams,

Deputy, Defense Acquisition Regulations System.

Therefore, 48 CFR parts 204 and 252 are amended as follows:

■ 1. The authority citation for parts 204 and 252 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

PART 204—ADMINISTRATIVE MATTERS

204.1105 [Removed]

■ 2. Remove section 204.1105.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.204–7004 [Removed and Reserved]

■ 3. Remove and reserve section 252.204–7004.

[FR Doc. 2018–11347 Filed 5–29–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 202 and 252

[Docket DARS–2018–0027]

RIN 0750–AJ34

Defense Federal Acquisition Regulation Supplement: Micro-Purchase Threshold (DFARS Case 2017–D027)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement sections of the National Defense Authorization Act for Fiscal Year 2017 that increase the micro-purchase thresholds for certain Department of Defense acquisitions.

DATES: Effective May 30, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Carrie Moore, telephone 571–372–6093.

SUPPLEMENTARY INFORMATION:

I. Background

DoD is amending the DFARS to implement sections 217(a) and 821 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017 (Pub. L. 114–328). Section 821 increases the micro-purchase threshold for the Department of Defense procurements to $5,000. Section 217(a) further increases the micro-purchase threshold to $10,000 for purposes of DoD basic research programs and for the activities of the DoD science and technology reinvention laboratories. Accordingly, DFARS section 202.101, Definitions, is amended to add a new micro-purchase threshold definition as it relates to DoD procurements, to be used in lieu of the definition in the Federal Acquisition Regulation (FAR). To align with the addition of the new DoD micro-purchase definition, a cross-reference to the definition at FAR 2.101 is revised in DFARS clause 252.232–7009, Mandatory Payments by Governmentwide Commercial Purchase Card.

II. Applicability to Contracts at or Below the Simplified Acquisition Threshold (SAT) and for Commercial Items, Including Commercially Available Off-the-Shelf (COTS) Items

This rule amends DFARS 202.101 to add an alternate definition for ''micro-purchase threshold'' in lieu of the definition of ''micro-purchase threshold'' at FAR 2.101. This rule simply clarifies the application of the micro-purchase threshold as it relates to DoD procurements, and does not apply additional requirements to contracts at or below the SAT or for the acquisition of commercial items, including COTS items.

III. Publication of This Final Rule for Public Comment Is Not Required by Statute

The statute that applies to the publication of the FAR is the Office of Federal Procurement Policy statute (codified at title 41 of the United States Code). Specifically, 41 U.S.C. 1707(a)(1) requires that a procurement policy, regulation, procedure or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because it clarifies the application of the micro-purchase threshold as it relates to DoD procurements, and does not have significant effect beyond the internal operating procedures of the agency issuing the policy. These requirements affect only the internal operating procedures of the Government.

IV. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

V. Executive Order 13771

This rule is not an E.O. 13771, Reducing and Controlling Regulatory Costs, regulatory action, because this rule is not significant under E.O. 12866.

VII. Regulatory Flexibility Act

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 41 U.S.C. 1707(a)(1) (see section III. of this preamble), the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

VIII. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 202 and 252

Government procurement.

Amy G. Williams,

Deputy, Defense Acquisition Regulations System.

Therefore, 48 CFR parts 202 and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 202 and 252 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

PART 202—DEFINITIONS OF WORDS AND TERMS

■ 2. Amend section 202.101 by adding a definition for ''Micro-purchase threshold'' in alphabetical order to read as follows:

202.101 Definitions.

* * * * *

Micro-purchase threshold, for DoD acquisition of supplies or services funded by DoD appropriations, in lieu of the definition at FAR 2.101, means $5,000 (10 U.S.C. 2338), except—

(1) For DoD acquisition of supplies or services for basic research programs and for activities of the DoD science and technology reinvention laboratories (*https://www.acq.osd.mil/rd/laboratories/labs/list_strl.html*), it means $10,000 (10 U.S.C. 2339);

(2) For acquisitions of construction subject to 40 U.S.C. chapter 31, subchapter IV, Wage Rate Requirements (Construction), $2,000;

(3) For acquisitions of services subject to 41 U.S.C. chapter 67, Service Contract Labor Standards, $2,500; and

(4) For acquisitions of supplies or services that, as determined by the head of the contracting activity, are to be used to support a contingency operation; or to facilitate defense against or recovery from cyber, nuclear, biological, chemical or radiological attack; to support a request from the Secretary of State or the Administrator of the United States Agency for International Development to facilitate provision of international disaster assistance pursuant to 22 U.S.C. 2292 *et seq.;* or to support response to an emergency, or major disaster (42 U.S.C. 5122), as described in 13.201(g)(1), except for construction subject to 40 U.S.C. chapter 31, subchapter IV, Wage Rate Requirements (Construction) (41 U.S.C. 1903)—

(i) $20,000 in the case of any contract to be awarded and performed, or purchase to be made, inside the United States; and

(ii) $30,000 in the case of any contract to be awarded and performed, or purchase to be made, outside the United States.

* * * * *

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 3. Amend section 252.232–7009 by—

■ a. Removing the clause date ''(DEC 2006)'' and adding ''(MAY 2018)'' in its place;

■ b. In the clause text, removing ''Part 2 of the Federal Acquisition Regulation'' and adding ''part 202 of the Defense Federal Acquisition Regulation Supplement'' in its place.

[FR Doc. 2018–11349 Filed 5–29–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 204

[Docket DARS–2018–0029]

RIN 0750–AJ76

Defense Federal Acquisition Regulation Supplement: Contract Closeout Authority (DFARS Case 2018–D012)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Proposed rule.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement sections of the National Defense Authorization Act for Fiscal Years 2017 and 2018 to permit expedited closeout of certain contracts entered into on a date that is at least 17 fiscal years before the current fiscal year.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before July 30, 2018, to be considered in the formation of a final rule.

ADDRESSES: Submit comments identified by DFARS Case 2018–D012, using any of the following methods:

○ *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by entering ''DFARS Case 2018–D012'' under the heading ''Enter keyword or ID'' and selecting ''Search.'' Select the link ''Submit a Comment'' that corresponds with ''DFARS Case 2018–D012.'' Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''DFARS Case 2018–D012'' on your attached document.

○ *Email: osd.dfars@mail.mil.* Include DFARS Case 2018–D012 in the subject line of the message.

○ *Fax:* 571–372–6094.

○ *Mail:* Defense Acquisition Regulations System, Attn: Carrie Moore, OUSD (AT&L) DPAP/DARS, Room 3B941, 3060 Defense Pentagon, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Carrie Moore, telephone 571–372–6093.

SUPPLEMENTARY INFORMATION:

I. Background

This rule proposes to revise the DFARS to implement section 836 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017 (Pub. L. 114–328), as modified by section 824 of the NDAA for FY 2018, which authorizes the Secretary of Defense to close out certain contracts or groups of contracts through modification of such contracts without completing a reconciliation audit or other corrective action. The authority provided by sections 824 and 836 applies to contracts entered into on a date that is at least 17 fiscal years before the current fiscal year, that have no further supplies or services due, and for which a determination has been made that the contract records are not otherwise reconcilable, because—

- The contract or related payment records have been destroyed or lost; or
- Although contracts records are available, the time or effort required to establish the exact amount owed to the U.S. Government or amount owed to the contractor is disproportionate to the amount at issue.

To accomplish closeout of such contracts, sections 824 and 836 further authorize the following:

- A contract or groups of contracts covered by these sections to be closed out through a negotiated settlement with the contractor.
- The remaining contract balances to be offset with balances within the contract or on other contracts regardless of the year or type of appropriation obligated to fund each contract or contract line item, and regardless of whether the appropriation has closed.

When using this authority, the closeout procedures require the contracting officer to issue a modification of the affected contract, which must be signed by both the contractor and the Government. When closing out a group of contracts, the contracting officer must issue a modification for at least one of the affected contracts that reflects the negotiated settlement for the group of contracts and this modification must be signed by both the contractor and the Government. The remaining contracts in the group may be modified without obtaining the contractor's signature.

II. Discussion and Analysis

This rule proposes to amend DFARS 204.802 to incorporate the expedited closeout authority and procedures provided by section 824 and 836 for contracts entered into on a date that is at least 17 fiscal years before the current fiscal year, that have no further supplies or services due under the contract, and where the appropriate determination has been made by an individual at least one level above the contracting officer.

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

IV. Executive Order 13771

This rule is not an Executive Order (E.O.) 13771, Reducing Regulation and Controlling Regulatory Costs, regulatory action, because this rule is not significant under E.O. 12866.

V. Regulatory Flexibility Act

DoD does not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act 5 U.S.C. 601, *et seq.,* because the scope of rule is limited to contracts awarded at least 17 years before a current fiscal year that still require final closeout by the Government. However, an initial regulatory flexibility analysis has been performed and is summarized as follows:

The Department of Defense is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement section 836 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017 (Pub. L. 114–328), as modified by section 824 of the NDAA for FY 2018, to permit expedited closeout of certain contracts entered into on a date that is at least 17 fiscal years before the current fiscal year.

The objective of this proposed rule is to implement section 836 of the NDAA for FY 2017, as modified by section 824 of the NDAA for FY 2018.

Using estimates from Department and Agency subject matter experts, approximately 11,300 contracts subject to this rule need to be closed out by the Government. Of these contracts, the Government estimates that 50 percent, or 5,650, of the awards were made to small businesses.

This proposed rule does not include any new reporting, recordkeeping, or other compliance requirements for small businesses.

This rule does not duplicate, overlap, or conflict with any other Federal rules.

There are no known significant alternative approaches to the proposed rule that would meet the requirements of the applicable statute.

DoD invites comments from small business concerns and other interested parties on the expected impact of this rule on small entities. DoD will also consider comments from small entities concerning the existing regulations in subparts affected by this rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (DFARS Case 2018–D012), in correspondence.

VI. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Part 204

Government procurement.

Amy G. Williams,

Deputy, Defense Acquisition Regulations System.

Therefore, 48 CFR part 204 is proposed to be amended as follows:

PART 204—ADMINISTRATIVE MATTERS

■ 1. The authority citation for part 204 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

■ 2. Amend section 204.804 by—

■ a. In paragraph (1), removing ''Contracting officers'' and adding ''Except as provided in paragraph (3) of this section, contracting officers'' in its place; and

■ b. Adding paragraph (3).

The addition reads as follows:

204.804 Closeout of contract files.

* * * * *

(3)(i) In accordance with section 836 of the National Defense Authorization Act for Fiscal Year 2017 (Pub. L. 114–328) and section 824 of the National Defense Authorization Act for Fiscal Year 2018 (Pub. L. 115–91), contracting officers may close out contracts or groups of contracts through issuance of one or more modifications to such contracts without completing a reconciliation audit or other corrective action in accordance with FAR 4.804–5(a)(3) through (15), as appropriate, if each contract—

(A) Was entered into on a date that is at least 17 fiscal years before the current fiscal year;

(B) Has no further supplies or services due under the terms of the contract; and

(C) Has been determined by an individual, at least one level above the contracting officer, to be not otherwise reconcilable, because—

(*1*) The contract or related payment records have been destroyed or lost; or

(*2*) Although contract or related payment records are available, the time or effort required to establish the exact amount owed to the U.S. Government or amount owed to the contractor is disproportionate to the amount at issue.

(ii) Any contract or group of contracts meeting the requirements of paragraph (3)(i) of this section may be closed out through a negotiated settlement with the contractor. Except as provided in paragraph (3)(ii)(B), the contract closeout process shall include a bilateral modification of the affected contract, including those contracts that are closed out in accordance with a negotiated settlement.

(A) For a contract or groups of contracts, the contracting officer shall prepare a negotiation settlement memorandum that describes how the requirements of paragraph (3)(i) have been met.

(B) For a group of contracts, a bilateral modification of at least one contract shall be made to reflect the negotiated settlement for a group of contracts, and unilateral modifications may be made, as appropriate, to other contracts in the group to reflect the negotiated settlement.

(iii) For contract closeout actions under paragraph (3) of this section, remaining contract balances—

(A) May be offset with balances in other contract line items within the same contract, regardless of the year or type of appropriation obligated to fund each contract line item and regardless of whether the appropriation obligated to fund such contract line item has closed; and

(B) May be offset with balances on other contracts, regardless of the year or type of appropriations obligated to fund each contract and regardless of whether such appropriations have closed.

* * * * *

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FEDERAL REGISTER

Vol. 83 Wednesday,

No. 104 May 30, 2018

Part IV

The President

Space Policy Directive–2 of May 24, 2018—Streamlining Regulations on Commercial Use of Space

Federal Register
Vol. 83, No. 104
Wednesday, May 30, 2018

Presidential Documents

Title 3—

The President

Space Policy Directive–2 of May 24, 2018

Streamlining Regulations on Commercial Use of Space

Memorandum for the Vice President[,] the Secretary of State[,] the Secretary of Defense[,] the Secretary of Commerce[,] the Secretary of Transportation[,] the Secretary of Homeland Security[,] the Secretary of Labor[,] the Director of National Intelligence[,] the Director of the Office of Management and Budget[,] the Assistant to the President for National Security Affairs[,] the Administrator of the National Aeronautics and Space Administration[,] the Director of the Office of Science and Technology Policy[,] the Assistant to the President for Homeland Security and Counterterrorism[, and] the Chairman of the Joint Chiefs of Staff

Section 1. *Policy.* It is the policy of the executive branch to be prudent and responsible when spending taxpayer funds, and to recognize how government actions, including Federal regulations, affect private resources. It is therefore important that regulations adopted and enforced by the executive branch promote economic growth; minimize uncertainty for taxpayers, investors, and private industry; protect national security, public-safety, and foreign policy interests; and encourage American leadership in space commerce.

Sec. 2. *Launch and Re-entry Licensing.* (a) No later than February 1, 2019, the Secretary of Transportation shall review regulations adopted by the Department of Transportation that provide for and govern licensing of commercial space flight launch and re-entry for consistency with the policy set forth in section 1 of this memorandum and shall rescind or revise those regulations, or publish for notice and comment proposed rules rescinding or revising those regulations, as appropriate and consistent with applicable law.

(b) Consistent with the policy set forth in section 1 of this memorandum, the Secretary of Transportation shall consider the following:

(i) requiring a single license for all types of commercial space flight launch and re-entry operations; and

(ii) replacing prescriptive requirements in the commercial space flight launch and re-entry licensing process with performance-based criteria.

(c) In carrying out the review required by subsection (a) of this section, the Secretary of Transportation shall coordinate with the members of the National Space Council.

(d) The Secretary of Defense, the Secretary of Transportation, and the Administrator of the National Aeronautics and Space Administration shall coordinate to examine all existing U.S. Government requirements, standards, and policies associated with commercial space flight launch and re-entry operations from Federal launch ranges and, as appropriate and consistent with applicable law, to minimize those requirements, except those necessary to protect public safety and national security, that would conflict with the efforts of the Secretary of Transportation in implementing the Secretary's responsibilities under this section.

Sec. 3. *Commercial Remote Sensing.* (a) Within 90 days of the date of this memorandum, the Secretary of Commerce shall review the regulations adopted by the Department of Commerce under Title II of the Land Remote Sensing Policy Act of 1992 (51 U.S.C. 60101 *et seq.*) for consistency with the policy set forth in section 1 of this memorandum and shall rescind or revise those regulations, or publish for notice and comment proposed

rules rescinding or revising those regulations, as appropriate and consistent with applicable law.

(b) In carrying out the review required by subsection (a) of this section, the Secretary of Commerce shall coordinate with the Secretary of State, the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, and, as appropriate, the Chairman of the Federal Communications Commission.

(c) Within 120 days of the date of the completion of the review required by subsection (a) of this section, the Secretary of Commerce, in coordination with the Secretary of State and the Secretary of Defense, shall transmit to the Director of the Office of Management and Budget a legislative proposal to encourage expansion of the licensing of commercial remote sensing activities. That proposal shall be consistent with the policy set forth in section 1 of this memorandum.

Sec. 4. *Reorganization of the Department of Commerce.* (a) To the extent permitted by law, the Secretary of Commerce shall consolidate in the Office of the Secretary of Commerce the responsibilities of the Department of Commerce with respect to the Department's regulation of commercial space flight activities.

(b) Within 30 days of the date of this memorandum, the Secretary of Commerce shall transmit to the Director of the Office of Management and Budget a legislative proposal to create within the Department of Commerce an entity with primary responsibility for administering the Department's regulation of commercial space flight activities.

Sec. 5. *Radio Frequency Spectrum.* (a) The Secretary of Commerce, in coordination with the Director of the Office of Science and Technology Policy, shall work with the Federal Communications Commission to ensure that Federal Government activities related to radio frequency spectrum are, to the extent permitted by law, consistent with the policy set forth in section 1 of this memorandum.

(b) Within 120 days of the date of this memorandum, the Secretary of Commerce and the Director of the Office of Science and Technology Policy, in consultation with the Chairman of the Federal Communications Commission, and in coordination with the members of the National Space Council, shall provide to the President, through the Executive Secretary of the National Space Council, a report on improving the global competitiveness of the United States space sector through radio frequency spectrum policies, regulation, and United States activities at the International Telecommunication Union and other multilateral forums.

Sec. 6. *Review of Export Licensing Regulations.* The Executive Secretary of the National Space Council, in coordination with the members of the National Space Council, shall:

(a) initiate a review of export licensing regulations affecting commercial space flight activity;

(b) develop recommendations to revise such regulations consistent with the policy set forth in section 1 of this memorandum and with applicable law; and

(c) submit such recommendations to the President, through the Vice President, no later than 180 days from the date of this memorandum.

Sec. 7. *General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

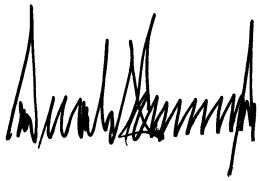
(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by

any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Secretary of Transportation is authorized and directed to publish this memorandum in the *Federal Register.*



THE WHITE HOUSE,
Washington, May 24, 2018

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