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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0104; Product Identifier 2017–CE–036–AD; Amendment 39–19311; AD 2018–12–07]

RIN 2120–AA64

Airworthiness Directives; Gulfstream Aerospace Corporation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2015–24–06 for certain Gulfstream Aerospace Corporation Model GVI airplanes. AD 2015–24–06 required repetitive breakaway torque checks and torqueing of the main landing gear (MLG) brake inlet self-sealing couplings and inserting a dispatch and takeoff limitation to the limitations section of the airplane flight manual. This AD requires modifying the MLG and brake assembly. This AD was prompted by reports of the self-sealing couplings on the MLG brake inlet fitting backing out of the fully seated position. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 23, 2018.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of July 23, 2018.

ADDRESSES: For service information identified in this final rule, contact Gulfstream Aerospace Corporation, P.O. Box 2206, Savannah, Georgia 31404–2206; telephone: (912) 965–3000; fax: (912) 965–3520; email: *pubs@gulfstream.com*; internet: *www.gulfstream.com*. You may view this service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0104.

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–2018–0104; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Gideon Jose, Aerospace Engineer, Altanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, Georgia 30337; phone: 404–474–5569; fax: 404–474–5606; email: *gideon.jose@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2015–24–06, Amendment 39–18338 (80 FR 75788, December 4, 2015) (''AD 2015–24–06''). AD 2015–24–06 applied to certain Gulfstream Aerospace Corporation (Gulfstream) Model GVI airplanes and required repetitive breakaway torque checks and torqueing of the main landing gear (MLG) brake inlet self-sealing couplings and inserting a dispatch and takeoff limitation to the limitations section of the airplane flight manual.

The NPRM published in the **Federal Register** on February 12, 2018 (83 FR 5958). AD 2015–24–06 was prompted by reports of the self-sealing couplings on the MLG brake inlet fitting backing out of the fully seated position. The NPRM was prompted by the development of modifications that when incorporated would terminate the need for repetitive breakaway torque checks and torqueing of the brake inlet self-sealing couplings.

The NPRM proposed to require modifying the MLG with new tube assemblies without self-sealing couplings and adding lock wire. The NPRM also proposed to require inspecting and modifying the brake assembly. The NPRM proposed to not retain any of the requirements of AD 2015–24–06.

We are issuing this AD to address the unsafe condition on these products, which if not addressed could result in loss of braking capability on one or multiple brakes and lead to runway overrun or asymmetrical braking that could result in lateral runway excursion.

Comments

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

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

We reviewed Gulfstream G650 Customer Bulletin Number 155B, dated July 26, 2017; and Gulfstream G650ER Customer Bulletin Number 155B, dated July 26, 2017. For the applicable model designations, this service information describes procedures to modify the MLG and brake assemblies. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 162 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replacement of brake hose assemblies, inspection of brake assembly attachment bolts, and modification of the brake assembly.	65.5 work-hours × $85 per hour = $5,567.50.	$14,776	$20,343.50	$3,295,647

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

Authority for This Rulemaking

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

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

This 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 small airplanes, gliders, balloons, airships, domestic business jet transport airplanes, and associated appliances to the Director of the Policy and Innovation Division.

Regulatory Findings

We have 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 DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2015–24–06, Amendment 39–18338 (80 FR 75788, December 4, 2015), and adding the following new AD:

2018–12–07 Gulfstream Aerospace Corporation: Amendment 39–19311; Docket No. FAA–2018–0104; Product Identifier 2017–CE–36–AD.

(a) Effective Date

This AD is effective July 23, 2018.

(b) Affected ADs

This AD replaces AD 2015–24–06, Amendment 39–18338 (80 FR 75788, December 4, 2015) (''AD 2015–24–06'').

(c) Applicability

This AD applies to Gulfstream Aerospace Corporation Model GVI airplanes, serial numbers 6001 and 6003 through 6163, certificated in any category.

Note 1 to paragraph (c) of this AD: Model GVI airplanes are also referred to by the marketing designations G650 and G650ER.

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 32, Landing Gear.

(e) Unsafe Condition

AD 2015–24–06 was prompted by reports of the main landing gear (MLG) self-sealing couplings on the MLG brake inlet fitting backing out of the fully seated position. This AD was prompted by the development of modifications that when incorporated would terminate the need for repetitive breakaway torque checks and torqueing of the brake inlet self-sealing couplings. We are issuing this AD to prevent loss of braking capability on one or multiple brakes. The unsafe condition, if not addressed, could lead to runway overrun or asymmetrical braking that could result in lateral runway excursion.

(f) Compliance

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

(g) Modification of the MLG and MLG Brake Assemblies

(1) Within 6 months after July 23, 2018 (the effective date of this AD), modify the MLG and brake assemblies following the Accomplishment Instructions in Gulfstream G650 Customer Bulletin Number 155B, dated July 26, 2017; and Gulfstream G650ER Customer Bulletin Number 155B, dated July 26, 2017.

(2) Although Gulfstream G650 Customer Bulletin Number 155B, dated July 26, 2017; and Gulfstream G650ER Customer Bulletin Number 155B, dated July 26, 2017, both contain reporting requirements and return of certain parts to the manufacturer, this AD does not include those requirements.

(3) AD 2015–24–06 required a dispatch and takeoff limitation in the airplane flight manual. Although we did not retain that requirement in this AD, if not already removed, this limitation should be removed after the modification in paragraph (g)(1) of this AD is done.

(h) Credit for Previous Actions

If done before July 23, 2018 (the effective date of this AD), this AD allows credit for the actions in paragraph (g) of this AD following Gulfstream G650 Customer Bulletin 155, dated July 29, 2016; Gulfstream G650ER Customer Bulletin 155, dated July 29, 2016; Gulfstream G650 Customer Bulletin 155A, dated August 19, 2016; or Gulfstream G650ER Customer Bulletin 155A, dated August 19, 2016, as applicable.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Atlanta 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 (j) of this AD.

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

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

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

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

(j) Related Information

For more information about this AD, contact Gideon Jose, Aerospace Engineer, Altanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, Georgia 30337; phone: 404–474–5569; fax: 404–474–5606; email: *gideon.jose@faa.gov*.

(k) Material Incorporated by Reference

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

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

(i) Gulfstream G650 Customer Bulletin Number 155B, dated July 26, 2017.

(ii) Gulfstream G650ER Customer Bulletin Number 155B, dated July 26, 2017.

(3) For service information identified in this AD, contact Gulfstream Aerospace Corporation, P.O. Box 2206, Savannah, Georgia 31404–2206; telephone: (912) 965–3000; fax: (912) 965–3520; email: *pubs@gulfstream.com;* internet: *www.gulfstream.com*.

(4) You may view this service information at FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

(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 Kansas City, Missouri, on June 1, 2018.

Melvin J. Johnson,

Aircraft Certification Service, Deputy Director, Policy and Innovation Division, AIR–601.

[FR Doc. 2018–12892 Filed 6–15–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0573]

Drawbridge Operation Regulation; Curtis Creek, Baltimore, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the I695 Bridge across Curtis Creek, mile 1.0, at Baltimore, MD. The deviation is necessary to facilitate maintenance. This deviation allows the bridge to remain in the closed-to-navigation position.

DATES: This deviation is effective from 7 a.m. on June 18, 2018, to 7 p.m. on June 29, 2018.

ADDRESSES: The docket for this deviation, [USCG–2018–0573] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Hal R. Pitts, Bridge Administration Branch Fifth District, Coast Guard; telephone (757) 398–6222, email *Hal.R.Pitts@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Cianbro Corporation, on behalf of the Maryland Transportation Authority, owner and operator of the I695 Bridge across Curtis Creek, mile 1.0, at Baltimore, MD, has requested a temporary deviation from the current operating schedule to accommodate maintenance. The current operating regulation is set out in 33 CFR 117.557.

Under this temporary deviation, the east bascule draw of the north span will be maintained in closed-to-navigation position and the west bascule draw of the north span will be maintained in the open-to-navigation position from 7 a.m. on June 18, 2018, through 7 p.m. on June 29, 2018. The south span will open on signal if at least a one-hour notice is given. At all other times the bridge will operate per 33 CFR 117.557. During the closure of the east bascule draw of the north span, the I695 Bridge will provide 100 feet of horizontal clearance and unlimited vertical clearance in the open position and 200 feet of horizontal clearance and 58 feet of vertical clearance above mean high water in the closed position.

Curtis Creek is used by military vessels, recreational vessels, tug and barge traffic, fishing vessels, and small commercial vessels. The Coast Guard has carefully considered the nature and volume of vessel traffic on the waterway and coordinated with maritime stakeholders in publishing this temporary deviation.

Vessels able to pass through the bridge in the closed position or with the east bascule draw of the north span in the closed position may do so at any time. The bridge will be able to open on signal for emergency or urgent vessel transits from 7 a.m. to 7 p.m., Monday through Saturday, if at least a one-hour notice is given; and from 7 p.m. to 7 a.m., and from 7 a.m. to 7 p.m. on Sunday, June 24, 2018, if at least a four-hour notice is given. There is no immediate alternate route for vessels unable to pass through the bridge in the closed position or with the east bascule draw of the north span in the closed position. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notice to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by this temporary deviation.

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

Dated: June 12, 2018.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2018–12915 Filed 6–15–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0556]

Drawbridge Operation Regulation; Lake Washington Ship Canal, Seattle, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Montlake Bridge across Lake Washington Ship Canal, mile 5.2, at Seattle, WA. The deviation is necessary to accommodate the Special Olympics event. This deviation allows the bridge span to remain in the closed-to-navigation position.

DATES: This deviation is effective from 10:30 a.m. to 6:30 p.m. on July 1, 2018.

ADDRESSES: The docket for this deviation, USCG–2018–0556 is available at *http://www.regulations.gov*. Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation.

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

SUPPLEMENTARY INFORMATION: The Washington Department of Transportation, the bridge owner, has requested a temporary deviation from the operating schedule for the Montlake Bridge across Lake Washington Ship Canal, at mile 5.2, at Seattle, WA. The deviation is necessary to allow event participates to cross the bridge safely. The Montlake Bridge is a double leaf bascule bridge. In the closed-to-navigation position the bridge provides 30 feet of vertical clearance and provides 46 feet of vertical clearance at the center 60 feet of the bridge. Vertical clearance refers to the Mean Water Level of Lake Washington. To facilitate this event, the double bascule span is authorized to remain in the closed-to-navigation position from 10:30 a.m. to 1:30 p.m., and from 3 p.m. to 6 p.m. on July 1, 2018.

The normal operating schedule for the Montlake Bridge operates in accordance with 33 CFR 117.1051(e). Waterway usage on the Lake Washington Ship Canal ranges from commercial tug and barge to small pleasure craft. Vessels able to pass through the bridge in the closed-to-navigation position may do so at any time. The bridge will be able to open for emergencies. Lake Washington Ship Canal has no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: June 12, 2018.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2018–12940 Filed 6–15–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2018–0542]

Safety Zones; Fireworks Displays in the Fifth Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulations; changes of enforcement.

SUMMARY: The Coast Guard will enforce two safety zones for fireworks displays: the first taking place over the Chesapeake Bay, at Chesapeake Beach, MD, on June 30, 2018 (an alternate date on July 3, 2018) and the second over the Chester River, at Kent Island Narrows, MD, on July 3, 2018 (an alternate date on July 5, 2018). This action is necessary to ensure the safety of life on navigable waterways during these fireworks displays. Our regulation for recurring Fireworks Displays in the Fifth Coast Guard District identifies the safety zones for these fireworks display events. During the enforcement periods, vessels may not enter, remain in, or transit through the safety zones unless authorized by the Captain of the Port or designated Coast Guard patrol personnel on scene.

DATES: The regulations in 33 CFR 165.506 will be enforced for the location listed in the table to § 165.506 at (b)(9) from 8 p.m. through 10:30 p.m. on June 30, 2018; and in the case of inclement weather enforcement will be from 8 p.m. through 10:30 p.m. on July 3, 2018. The regulations in 33 CFR 165.506 will be enforced for the location listed in the table to § 165.506 at (b)(24) from 8:30 p.m. through 11 p.m. on July 3, 2018; and in the case of inclement weather enforcement will be from 8:30 p.m. through 11 p.m. on July 5, 2018.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Mr. Ron Houck, U.S. Coast Guard Sector Maryland-National Capital Region, Waterways Management Division; telephone 410–576–2674, email *D05-DG-SectorMD-NCR-MarineEvents@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone in the table to 33 CFR 165.506 at (b)(9) for the Town of Chesapeake Beach, MD, fireworks display from 8 p.m. through 10:30 p.m. on June 30, 2018. If necessary due to inclement weather, the fireworks display event will be rescheduled and the safety zone will be enforced from 8 p.m. through 10:30 p.m. on July 3, 2018. This is a slight change from the anticipated date and times of enforcement appearing in the CFR for this event—July 4th or the Sunday before, from 5:30 p.m. to 1 a.m. This action is being taken to provide for the safety of life on navigable waterways during the fireworks display. The table to § 165.506 at (b)(9) specifies the location of the regulated area for this safety zone for the Town of Chesapeake Beach, MD, fireworks display, which encompasses portions of the Chesapeake Bay near Chesapeake Beach, MD. As specified in § 165.506(d), during the enforcement period, vessels may not enter, remain in, or transit through the safety zone unless authorized by the Captain of the Port Sector Maryland-National Capital Region (COTP) or designated Coast Guard patrol personnel on scene. The Coast Guard may be assisted by other federal, state, or local agencies in the enforcement of the safety zone.

The Coast Guard will enforce the safety zone in the table to 33 CFR 165.506 at (b)(24) for the Kent Island Narrows, MD, fireworks display from 8:30 p.m. through 11 p.m. on July 3, 2018. If necessary due to inclement weather, the fireworks display event will be rescheduled and the safety zone will be enforced from 8:30 p.m. through 11 p.m. on July 5, 2018. This is a slight change from the anticipated date and times of enforcement appearing in the CFR for this event—Thursday before

July 4th (observed); and or July 4th, from 5:30 p.m. to 1 a.m. This action is being taken to provide for the safety of life on navigable waterways during the fireworks display. Our regulation for recurring Fireworks Displays in the Fifth Coast Guard District, § 165.506, specifies the location of the regulated area for this safety zone for the Kent Island Narrows, MD, fireworks display, which encompasses portions of the Chester River in Queen Anne's County, MD. As specified in § 165.506(d), during the enforcement period, vessels may not enter, remain in, or transit through the safety zone unless authorized by the Captain of the Port Sector Maryland-National Capital Region (COTP) or designated Coast Guard patrol personnel on scene. The Coast Guard may be assisted by other federal, state, or local agencies in the enforcement of the safety zone.

This notice of enforcement is issued under authority of 33 CFR 165.506(d) and 5 U.S.C. 552 (a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of these enforcement periods via the Local Notice to Mariners and marine information broadcasts.

Dated: June 13, 2018.

Joseph B. Loring,

Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.

[FR Doc. 2018–12970 Filed 6–15–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2018–0461]

Safety Zone; City of Port Aransas Fourth of July Fireworks, Port Aransas, TX

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the City of Port Aransas' Fourth of July Fireworks Display on July 4, 2018, to provide for the safety of life on these navigable waterways during this event. Our regulation for marine events within the Eighth Coast Guard District identifies the regulated area for this event in Port Aransas, TX. During the enforcement period, entry into this zone is prohibited unless authorized by the Captain of the Port Sector Corpus Christi (COTP) or a designated representative.

DATES: The regulations in 33 CFR 165.801, Table 4, Line 3 will be enforced from 8:15 p.m. through 9:15 p.m. on July 4, 2018.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Petty Officer Kevin Kyles, Sector Corpus Christi Waterways Management Division, U.S. Coast Guard; telephone 361–939–5125, email *Kevin.L.Kyles@uscg.mil*.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone in 33 CFR 165.801, Table 4, Line 3, for the City of Port Aransas' Fourth of July Fireworks Display from 8:15 p.m. through 9:15 p.m. on July 4, 2018. This action is being taken to provide for the safety of life on this navigable waterway during the event. Our regulation for marine events within the Eighth Coast Guard District, § 165.801, specifies the location of the regulated area for the City of Port Aransas' Fourth of July Fireworks, which encompasses portions of Corpus Christi Ship Channel and Roberts Point Park. As reflected in §§ 165.23 and 165.801(a), if you are the operator of a vessel in the regulated area you must comply with directions from the Captain of the Port Sector Corpus Christi (COTP) or any designated representative. Persons or vessels desiring to enter the zones must request permission from the COTP or a designated representative. They can be reached on VHF FM channel 16 or by telephone at (361) 939–0450. If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative. Designated representatives include commissioned, warrant, and petty officers of the U.S. Coast Guard.

In addition to this notice of enforcement in the **Federal Register**, the COTP or a designated representative will inform the public through Broadcast Notice to Mariners (BNMs), Local Notices to Mariners (LNMs), Marine Safety Information Bulletins (MSIBs), and/or through other means of public notice as appropriate at least 24 hours in advance of each enforcement.

Dated: June 7, 2018.

E.J. Gaynor,

Captain, U.S. Coast Guard, Captain of the Port Sector Corpus Christi.

[FR Doc. 2018–12962 Filed 6–15–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0529]

RIN 1625–0529

Safety Zone; Lake Pontchartrain, Mandeville, LA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 100-yard radius of a fireworks barge near the lakefront in Mandeville, LA. The safety zone is necessary to protect persons, vessels, and the marine environment from potential hazards created by a fireworks display. Entry of vessels or persons into this zone is prohibited unless authorized by the Captain of the Port Sector New Orleans.

DATES: This rule is effective from 8:45 p.m. through 9:45 p.m. on June 30, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0529 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Commander Howard Vacco, Sector New Orleans, U.S. Coast Guard; telephone 504–365–2281, email *Howard.K.Vacco@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are

''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(3)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. It is impracticable because we must establish this safety zone by June 30, 2018, and we lack sufficient time to provide a reasonable comment period and then consider those comments before issuing this rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule is contrary to the public interest because immediate action is necessary to respond to the potential safety hazards associated with this fireworks display.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Sector New Orleans (COTP) has determined that potential hazards associated with a fireworks display on June 30, 2018, will be a safety concern for anyone within a 100-yard radius of a fireworks barge on Lake Pontchartrain. This rule is necessary to protect persons, vessels, and the marine environment in the navigable waterway before, during, and after the scheduled fireworks display.

IV. Discussion of the Rule

This rule establishes a temporary safety zone from 8:45 p.m. through 9:45 p.m. on June 30, 2018. The safety zone will cover all navigable waters within 100 yards of a fireworks barge on Lake Pontchartrain near Mandeville, LA. The barge will be at the approximate position 30°21′12.03″ N 90°04′28.95″ W. The duration of the zone is intended to protect persons, vessels, and the marine environment in these navigable waters while the fireworks display is being set up and launched.

No vessel or person will be permitted to enter the temporary safety zone without obtaining permission from the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector New Orleans. Vessels requiring entry into this safety zone must request permission from the COTP or a designated representative. They may be contacted on VHF–FM Channel 16 or 67 or by telephone at (504) 365–2200. Persons and vessels permitted to enter this safety zone must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative. The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Broadcasts (MSIBs) as appropriate.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size and duration of the temporary safety zone. This temporary safety zone is for only one hour on a small area of Lake Ponchartrain on one evening. Vessels may navigate around the safety zone. Moreover, the Coast Guard will issue a Broadcast Notice to Mariners (BNM)s via VHF–FM marine channel 16 about the zone, and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for

federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

E. Unfunded Mandates Reform Act

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

F. Environment

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

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0529 to read as follows:

§ 165.T08–0529 Safety Zone; Lake Pontchartrain, Mandeville, LA.

(a) *Location.* The following area is a safety zone: All navigable waters of Lake Pontchartrain in a 100-yard radius around the approximate position 30°21′12.03″ N, 90°04′28.95″ W, near Mandeville, LA.

(b) *Effective period.* This section is effective from 8:45 p.m. through 9:45 p.m. on June 30, 2018.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into this zone is prohibited unless authorized by the Captain of the Port Sector New Orleans (COTP) or designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector New Orleans.

(2) Vessels requiring entry into this safety zone must request permission from the COTP or a designated representative. They may be contacted on VHF–FM Channel 16 or 67 or by telephone at (504) 365–2200.

(3) Persons and vessels permitted to enter this safety zone must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative.

(d) *Information broadcasts.* The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Broadcasts (MSIBs) as appropriate.

Dated: June 12, 2018.

Wayne R. Arguin,

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

[FR Doc. 2018–13044 Filed 6–15–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2017–0117; FRL–9979–07—Region 1]

Air Plan Approval; Maine; Infrastructure State Implementation Plan Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving most elements of State Implementation Plan (SIP) submissions from Maine regarding the infrastructure requirements of the Clean Air Act (CAA or Act) for the 2008 lead (Pb), 2008 ozone, and 2010 nitrogen dioxide (NO_2) National Ambient Air Quality Standards (NAAQS). In addition, EPA is approving two statutes submitted by Maine in support of its demonstration that the infrastructure requirements of the CAA have been met. Lastly, EPA is conditionally approving a sub-element of Maine's submittal relating to state boards and conflicts of interest. 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 rule is effective on July 18, 2018.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2017–0117. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available at *https://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Anne K. McWilliams, Air Quality

Planning Unit, Air Programs Branch (Mail Code OEP05–02), U.S. Environmental Protection Agency, Region 1, 5 Post Office Square, Suite 100, Boston, Massachusetts 02109–3912; (617) 918–1697; *mcwilliams.anne@epa.gov.*

SUPPLEMENTARY INFORMATION:

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

Table of Contents

I. Background and Purpose
II. Public Comments
III. Final Action
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Background and Purpose

This rulemaking addresses infrastructure SIP submissions from the State of Maine for the 2008 Pb, 2008 ozone, and 2010 NO_2 NAAQS. The state submitted these infrastructure SIPs on the following dates: 2008 Pb—August 21, 2012; 2008 ozone—June 7, 2013; and 2010 NO_2—June 7, 2013. On April 23, 2013, Maine Department of Environmental Protection (ME DEP) submitted a SIP revision to incorporate conflict of interest state law provisions into the SIP from 38 Maine Revised Statutes Annotated (MRSA) Section 341–C(7) and 5 MRSA Section 18. The April 23, 2013 SIP revision addresses element E(ii) requirements. Furthermore, on February 14, 2013, Maine submitted a SIP revision addressing amendments to certain provisions of 06–096 Code of Maine Regulations (CMR) Chapters 100 and 115. The February 14, 2013 SIP revision both defines $PM_{2.5}$ and incorporates $PM_{2.5}$ into the Prevention of Significant Deterioration (PSD) permitting program. This submission was supplemented on May 31, 2016. EPA approved these SIP revisions on August 1, 2016 (81 FR 50353) and June 24, 2014 (79 FR 35695). These revisions address element A, as well as elements C, D(i)(II), and (J) as they relate to PSD. Finally, on March 1, 2018, Maine submitted a letter providing information and clarification in support of its infrastructure SIP submittals. Details of Maine's submittals and EPA evaluation of those submittals can be found in our Notice of Proposed Rulemaking (NPRM) (83 FR 12905; March 26, 2018).

EPA is approving most of the elements of the above submittals (details can be found below). EPA is also approving into the Maine SIP several statutes submitted by Maine in support of their demonstration that the infrastructure requirements of the CAA have been met. Also, we are conditionally approving one sub-element of Maine's submittal relating to state boards and conflicts of interest.

II. Public Comments

EPA received 12 sets of comments in response to the NPR. The comments discuss subjects outside the scope of an infrastructure SIP action, do not explain (or provide a legal basis for) how the proposed action should differ in any way, and, indeed, make no specific mention of the proposed action; they are not germane.

III. Final Action

EPA is approving SIP submissions from Maine certifying that the state's current SIP is sufficient to meet the required infrastructure elements under sections 110(a)(1) and (2) of the Act for the 2008 Pb, 2008 ozone, and 2010 NO_2 NAAQS, except for certain aspects relating to State Boards (Element E) which we are conditionally approving. Specifically, EPA's actions for each infrastructure SIP requirement are shown in Table 1.

TABLE 1—EPA'S ACTION ON MAINE'S INFRASTRUCTURE SIP SUBMITTALS FOR LISTED NAAQS

Element	2008 Pb	2008 Ozone	2010 NO_2
(A): Emission limits and other control measures	A	A	A
(B): Ambient air quality monitoring and data system	A	A	A
(C)1: Enforcement of SIP measures	A	A	A
(C)2: PSD program for major sources and major modifications	A	A	A
(C)3: PSD program for minor sources and minor modifications	A	A	A
(D)1: Contribute to nonattainment/interfere with maintenance of NAAQS	A	PA	NS
(D)2: PSD	A	A	A
(D)3: Visibility Protection	A	A	A
(D)4: Interstate Pollution Abatement	A	A	A
(D)5: International Pollution Abatement	A	A	A
(E): Adequate resources	A	A	A
(E): State boards	CA	CA	CA
(E): Necessary assurances with respect to local agencies	NA	NA	NA
(F): Stationary source monitoring system	A	A	A
(G): Emergency power	A	A	A
(H): Future SIP revisions	A	A	A
(I): Nonattainment area plan or plan revisions under part D	NG	NG	NG
(J)1: Consultation with government officials	A	A	A
(J)2: Public notification	A	A	A
(J)3: PSD	A	A	A
(J)4: Visibility protection	NG	NG	NG
(K): Air quality modeling and data	A	A	A
(L): Permitting fees	A	A	A
(M): Consultation and participation by affected local entities	A	A	A

In the above table, the key is as follows:
A, Approve.
CA, Conditionally Approve.
NA, Not applicable.
NG, Not germane to infrastructure SIPs.
NS, New Submittal (submitted on February 21, 2018). Will be acted on in a separate rulemaking.
PA, Previously approved (see 81 FR 70631, Oct. 13, 2016).

In addition, we are incorporating into the Maine SIP, the following Maine statutes which were included for approval in Maine's infrastructure SIP submittals: Maine's conflict of interest provisions found in 38 MRSA Section 341–C(7) and 5 MRSA Section 18, which DEP submitted as a SIP revision on April 23, 2013.

As noted in Table 1, EPA is conditionally approving aspects of Maine's SIP submittals pertaining to CAA section 110(a)(2)(E). The outstanding issues are with state provisions that govern membership of Maine's Board of Environmental Protection and conflict of interest requirements pertaining to the Commissioner of ME DEP, as described in detail in our NPR for this action. *See* 83 FR 12905 (Mar. 26, 2018). Maine must provide to EPA by June 18, 2019 a submittal(s) addressing these issues. If Maine fails to do so, this approval will become a disapproval on that date. EPA will notify ME DEP by letter that this action has occurred. At that time, this commitment will no longer be a part of the approved Maine SIP. EPA subsequently will publish a notice in the notice section of the **Federal Register** notifying the public that the conditional approval automatically converted to a disapproval. If the state meets its commitment within the applicable timeframe, the conditionally approved submission will remain a part of the SIP until EPA takes final action approving or disapproving the new submittal. If EPA disapproves the new submittal, the conditionally approved aspects will also be disapproved at that time. If EPA approves the submittal, then the portions of Maine's infrastructure SIP submittals that were conditionally approved will be fully approved in their entirety and replace the conditional approval in the SIP. In addition, final disapproval of an infrastructure SIP submittal triggers the Federal Implementation Plan (FIP) requirement under section 110(c).

IV. Incorporation by Reference

In this rulemaking, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of: Maine's conflict of interest provisions found in 38 MRSA Section 341–C(7) and 5 MRSA Section 18, which DEP submitted as a SIP revision on April 23, 2013. These are described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents generally available through *https://www.regulations.gov.*

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 17, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: June 12, 2018.

Alexandra Dunn,

Regional Administrator, EPA Region 1.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart U—Maine

■ 2. Amend § 52.1019 by adding paragraphs (c), (d), and (e) to read as follows:

§ 52.1019 Identification of plan—conditional approval.

* * * * *

(c) 2008 Ozone National Ambient Air Quality Standards (NAAQS): The 110(a)(2) infrastructure SIP submitted on June 7, 2013, is conditionally approved for Clean Air Act section 110(a)(2)(E) regarding State Boards and Conflicts of Interest. On March 1, 2018, the State of Maine committed to address these requirements.

(d) 2008 Lead NAAQS: The 110(a)(2) infrastructure SIP submitted on August 21, 2012, is conditionally approved for Clean Air Act section 110(a)(2)(E) regarding State Boards and Conflicts of Interest. On March 1, 2018, the State of Maine committed to address these requirements.

(e) 2010 Nitrogen Dioxide NAAQS: The 110(a)(2) infrastructure SIP submitted on June 7, 2013, is conditionally approved for Clean Air Act section 110(a)(2)(E) regarding State Boards and Conflicts of Interest. On March 1, 2018, the State of Maine committed to address these requirements.

■ 3. In § 52.1020:

■ a. In paragraph (c), the table titled ''EPA Approved Maine Regulations'' is amended by adding entries ''5 MRSA Section 18'' and ''38 MRSA Section 341–C(7)'' at the end of the table.

■ b. In paragraph (e), the table titled ''Maine Non Regulatory'' is amended by adding three entries at the end of the table.

The additions read as follows:

§ 52.1020 Identification of plan.

* * * * *

(c) * * *

EPA APPROVED MAINE REGULATIONS

State citation	Title/subject	State effective date	EPA approval date EPA approval date and citation [1]	Explanations
*	*	*	*	*
5 MRSA Section 18	Disqualification of Executive Employees from Participation in Certain Matters.	7/1/2003	6/18/2018; [Insert **Federal Register** citation].	Conflict of Interest Provisions.
38 MRSA Section 341–C(7).	Board Membership Conflict of Interest ..	8/11/2000	6/18/2018; [Insert **Federal Register** citation].	Conflict of Interest Provisions.

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

* * * * *

(e) * * *

MAINE NON REGULATORY

Name of non regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date [3]	Explanations
*	*	*	*	*
Submittal to meet Clean Air Act Section 110(a)(2) Infrastructure Requirements for the 2008 Lead (Pb) National Ambient Air Quality Standard.	State of Maine ...	8/21/2012	6/18/2018; [Insert **Federal Register** citation].	This action addresses the following Clean Air Act requirements: 110(a)(2)(A), (B), (C), (D), (E) except for State Boards, (F), (G), (H), (J), (K), (L), and (M).
Submittal to meet Clean Air Act Section 110(a)(2) Infrastructure Requirements for the 2008 8-Hour Ozone National Ambient Air Quality Standard.	State of Maine ...	6/7/2013	6/18/2018; [Insert **Federal Register** page number where the document begins].	This action addresses the following Clean Air Act requirements: 110(a)(2)(A), (B), (C), (D) except for D(1), (E) except for State Boards, (F), (G), (H), (J), (K), (L), and (M).
Submittal to meet Clean Air Act Section 110(a)(2) Infrastructure Requirements for the 2010 Nitrogen Dioxide (NO_2) National Ambient Air Quality Standard.	State of Maine ...	4/23/2013	6/18/2018; [Insert **Federal Register** citation].	This action addresses the following Clean Air Act requirements: 110(a)(2)(A), (B), (C), (D) except for D(1), (E) except for State Boards, (F), (G), (H), (J), (K), (L), and (M).

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

[FR Doc. 2018–12895 Filed 6–15–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

47 CFR Part 300

[Docket Number: 180131107–8107–01]

RIN 0660–AA35

Revision to the Manual of Regulations and Procedures for Federal Radio Frequency Management

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: The National Telecommunications and Information Administration (NTIA) is making certain changes to its regulations relating to the public availability of the Manual of Regulations and Procedures for Federal Radio Frequency Management (NTIA Manual). Specifically, NTIA is releasing an update to the current edition of the NTIA Manual, with which federal agencies must comply when requesting use of radio frequency spectrum. NTIA is making changes to the regulatory text to comply with the Incorporation by Reference formatting structure.

DATES: *Effective:* June 18, 2018. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of June 18, 2018.

ADDRESSES: A reference copy of the NTIA Manual, including all revisions in effect, is available in the Office of Spectrum Management, 1401 Constitution Avenue NW, Room 1087, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Peter Tenhula, Office of Spectrum Management, at (202) 482–9142 or *ptenhula@ntia.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

NTIA authorizes the U.S. Government's use of radio frequency spectrum. 47 U.S.C. 902(b)(2)(A). As part of this authority, NTIA developed the NTIA Manual to provide further guidance to applicable federal agencies on the use of the radio frequency spectrum for radio transmissions for telecommunications or for other purposes. The NTIA Manual is the compilation of policies and procedures that govern the use of the radio frequency spectrum by the U.S. Government. Federal government agencies are required to follow these policies and procedures in their use of spectrum.

Part 300 of title 47 of the Code of Federal Regulations provides information about the process by which NTIA regularly revises the NTIA Manual and makes public this document and all revisions. Federal agencies are required to comply with the specifications in the NTIA Manual when requesting frequency assignments. *See* 47 U.S.C. 901 *et seq.,* Executive Order 12046 (March 27, 1978), 43 FR 13349, 3 CFR 1978 Comp. at 158.

This rule updates § 300.1 of title 47 of the Code of Federal Regulations to specify the edition of the NTIA Manual with which federal agencies must comply when requesting frequency assignments. In particular, this rule amends the section by incorporating by reference the 2013 edition of the NTIA Manual, as revised through September 2017 and reformatting the structure of the section to comply with Office of the Federal Register formatting requirements. Upon the effective date of this rule, federal agencies must comply with the requirements set forth in the 2013 edition of the NTIA Manual, as revised through September 2017. The NTIA Manual is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, by referring to Catalog Number 903–008–00000–8, and online at *https://www.ntia.doc.gov/page/2011/manual-regulations-and-procedures-federal-radio-frequency-management-redbook.* A reference copy of the NTIA Manual, including all revisions in effect, is available in the Office of Spectrum Management, 1401 Constitution Avenue NW, Room 1087, Washington, DC 20230, by calling Peter Tenhula on (202) 482–9142.

Paperwork Reduction Act

This action does not contain collection of information requirements subject to the Paperwork Reduction Act (PRA). Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the Paperwork Reduction Act unless that collection displays a currently valid OMB Control Number.

Executive Order 12866

This rule has been determined to be not significant for purposes of Executive Order 12866.

Administrative Procedure Act/ Regulatory Flexibility Act

NTIA finds good cause under 5 U.S.C. 553(b)(3)(B) to waive prior notice and opportunity for public comment as it is unnecessary. This action amends the regulations to include the date of the most current edition of the NTIA Manual. These changes do not impact the rights or obligations to the public. The NTIA Manual applies only to federal agencies. Because these changes impact only federal agencies, NTIA finds it unnecessary to provide for the notice and comment requirements of 5 U.S.C. 553. NTIA finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness for the reasons provided above. Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Therefore, a regulatory flexibility analysis is not required and has not been prepared.

Congressional Review Act

The NTIA Manual provides for policies and procedures for federal agencies' use of spectrum. The NTIA Manual and the changes thereto do not substantially affect the rights or obligations of the public. As a result, this document is not a ''rule'' as defined by the Congressional Review Act, 5 U.S.C. 804(3)(C).

Executive Order 13132

This rule does not contain policies having federalism implications as that term is defined in Executive Order 13132.

List of Subjects in 47 CFR Part 300

Communications, Incorporation by reference, Radio.

Regulatory Text

For the reasons set forth in the preamble, NTIA amends 47 CFR part 300 as follows:

PART 300—MANUAL OF REGULATIONS AND PROCEDURES FOR FEDERAL RADIO FREQUENCY MANAGEMENT

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 47 U.S.C. 901 *et seq.,* Executive Order 12046 (March 27, 1978), 43 FR 13349, 3 CFR 1978 Comp., p. 158.

■ 2. Revise § 300.1 to read as follows:

§ 300.1 Incorporation by reference of the Manual of Regulations and Procedures for Federal Radio Frequency Management.

(a) The Manual of Regulations and Procedures for Federal Radio Frequency Management (the NTIA Manual) is issued by the Assistant Secretary of Commerce for Communications and Information, and is specifically designed to cover the Assistant Secretary's frequency management responsibilities pursuant to delegated authority under 47 U.S.C. 901 *et seq.* and Executive Order 12046 (March 27, 1978). Federal agencies must comply with the requirements in the NTIA Manual specified in paragraph (b) of this section.

(b) The NTIA Manual is incorporated by reference into this section with approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at National Telecommunications and Information Administration, Office of Spectrum Management, 1401 Constitution Avenue NW, Room 1087, Washington, DC 20230, Peter Tenhula at (202) 482–9142, and is available from the sources indicated below. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material, call 202–741–6030 or go to *www.archives.gov/federal-register/cfr/ibr-locations.html.*

(1) Commerce Department, National Telecommunications and Information Administration, Office of Spectrum Management, 1401 Constitution Avenue NW, Washington, DC 20230.The NTIA Manual is available online at *https://www.ntia.doc.gov/page/2011/manual-regulations-and-procedures-federal-radio-frequency-management-redbook* and from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, by referring to Catalog Number 903–008–00000–8.

(i) Manual of Regulations and Procedures for Federal Radio Frequency Management, 2013 Edition, dated May 2013, as modified by:

(A) May 2014 Revisions, approved June 24, 2014;

(B) September 2015 Revisions, approved March 11, 2016; and

(C) September 2017 Revisions, approved February 5, 2018.

(ii) [Reserved]

(2) [Reserved]

Dated: June 11, 2018.

David J. Redl,

Assistant Secretary for Communications and Information.

[FR Doc. 2018–12790 Filed 6–15–18; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 172, 173, and 180

[Docket No. PHMSA–2013–0225 (HM–218H)]

RIN 2137–AF27

Hazardous Materials: Miscellaneous Amendments; Response to Appeals; Corrections

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), U.S. Department of Transportation (DOT).

ACTION: Correcting amendments.

SUMMARY: PHMSA issues this rulemaking in response to appeals submitted to a previously-published final rule. On June 2, 2016, PHMSA published a final rule that made miscellaneous amendments to the Hazardous Materials Regulations. This final rule specifically responds to appeals to extend the effective date of certain nitric acid packaging and emergency response telephone number amendments as previously adopted. This final rule also clarifies amendments associated with the trigger date of the 10-year test period for certain MC 331 cargo tanks in dedicated propane service and corrects editorial errors.

DATES: *Effective date:* This final rule is effective July 18, 2018.

Voluntary compliance date: June 18, 2018.

Delayed compliance date: Unless otherwise specified, compliance with the amendments adopted in this final rule is required beginning September 17, 2018.

FOR FURTHER INFORMATION CONTACT: Michael Ciccarone, Standards and Rulemaking Division, (202) 366–8553, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

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I. Background

A. Notice of Proposed Rulemaking

On January 23, 2015, PHMSA published a notice of proposed rulemaking (NPRM) under Docket No. PHMSA–2013–0225 [(HM–218H); 80 FR 3787] that proposed amendments to update and clarify existing requirements of the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180). Both the NPRM and the subsequent final rule—see Section I, Subsection B (''Final Rule'') of this rulemaking—are part of DOT's Retrospective Regulatory Review (RRR) process designed to identify possible improvements to the regulations through the extensive review of both the HMR and previously-issued letters of interpretation. In addition, the NPRM proposed regulatory requirements in response to seven (7) petitions for rulemaking and two (2) National Transportation Safety Board (NTSB) Safety Recommendations.

B. Final Rule

On June 2, 2016, PHMSA issued a final rule titled, ''Hazardous Materials: Miscellaneous Amendments (RRR),'' under Docket No. PHMSA–2013–0225 [(HM–218H); 81 FR 35483] that made miscellaneous amendments to the HMR to update and clarify certain regulatory requirements. Based on an assessment of the proposed changes and the comments received, the June 2, 2016 final rule covered various topics including the following topics addressed in this rule:

- Emergency response telephone numbers
- Packaging instructions for certain shipments of nitric acid
- Test period extension to 10 years for certain MC 331 cargo tanks in dedicated propane delivery service
- Hazardous Materials Table revisions
- Pressure relief device testing for cargo tank motor vehicles

- Organic peroxide materials

II. Appeals to the Final Rule

A. Appellants

In this final rule, PHMSA addresses appeals submitted by the following organizations in response to the June 2, 2016 final rule:

- Council on Safe Transportation of Hazardous Articles, Inc. (COSTHA)
- The Dangerous Goods Advisory Council (DGAC)
- National Association of Chemical Distributors (NACD)
- United Parcel Service (UPS)

B. Discussion of Appeals by Affected Section

The specific concerns raised by the appellants are outlined below by section of the HMR:

Section 172.604

Section 172.604 prescribes emergency response telephone number requirements. In response to a petition for rulemaking (P–1597) from DGAC, PHMSA removed the allowance to use an alphanumeric telephone number as the emergency response telephone number listed on a shipping paper. Removal of this authorization eliminated time delays, which result from converting letters to numbers in extremely time-sensitive situations and present an unnecessary delay in emergency response. Therefore, PHMSA amended § 172.604(a) to require the emergency response telephone number to be displayed numerically only.

Following the June 2, 2016 final rule, UPS submitted an appeal concerning the effective date for this amendment. Specifically, UPS indicated that the July 5, 2016, effective date did not provide sufficient time to update the electronic systems used for processing hazardous material shipments and implement the new requirement to use only numeric emergency response telephone numbers. Additionally, UPS stated in its appeal that shippers may be challenged by the short transition period. UPS suggested a one-year timeframe to overcome the challenges and implement the new requirements.

PHMSA understands the concerns raised by UPS and recognizes the need for additional time to comply with this regulatory amendment. PHMSA had accepted UPS's appeal to delay the compliance date. However, recent appellant feedback shows that the extended timeframe since the publication of the previous final rule on June 2, 2016, has allowed entities such as UPS sufficient time to update their electronic systems. PHMSA does not believe that it is necessary to extend the compliance date any further beyond the effective date and delayed compliance schedule of this final rule. See **DATES**. Note that PHMSA will not be taking enforcement action for non-compliance with this requirement for the period from July 5, 2016, to the effective date of this rule.

Section 173.158

Section 173.158 prescribes the packaging requirements for nitric acid. In response to a petition for rulemaking (P–1601) from UPS, PHMSA amended the packaging provisions for certain shipments of nitric acid by requiring intermediate packaging for glass inner packagings. In its petition, UPS expressed concern regarding incidents of fire in transport from combination packagings of wooden or fiberboard outer packaging with the glass inners. The addition of intermediate packaging for these packagings would improve safety by preventing breakage, leakage, and resulting fires. Therefore, PHMSA amended § 173.158(e) to require that when nitric acid, in concentrations less than 90 percent, is packaged in glass inner packagings placed in wooden or fiberboard outer packaging, the glass inner packagings must be packed in tightly-closed, non-reactive intermediate packagings and cushioned with a non-reactive absorbent material. Previously, no intermediate packaging was required.

COSTHA, DGAC, and NACD submitted appeals expressing concern regarding the effective date for this amendment. They stated that the July 5, 2016, effective date did not provide sufficient time for shippers to sell current inventory or process inventory through the distribution system or the supply chain. Furthermore, they argued the original effective date did not allow sufficient time for testing and development of new packaging that would comply with the new requirement. They requested a transition period of one year from the effective date of the rulemaking to allow for existing inventory to be processed and new packaging to be secured.

PHMSA understands the concerns of the regulated community regarding the time needed to move inventory and comply with the new packaging requirements. PHMSA had accepted the appeals from COSTHA, DGAC, and NACD to extend the compliance date for the modified nitric acid packaging requirement. Recent appellant feedback shows that most shippers are able to comply with the new requirements, while a few are still working to reduce their stock of completed packages and unused packagings predating the nitric acid packaging change in the June 2, 2016, final rule. Similar to our response to the § 172.604(a) changes and appeal, PHMSA will not be taking enforcement action for non-compliance with this requirement for the period from July 5, 2016, to the effective date of this rule. PHMSA is further extending the compliance date to 90 days after publication of this final rule in the **Federal Register**. See **DATES**.

Furthermore, PHMSA has received public requests for additional clarification of the requirement for the use of non-reactive absorbent material in § 173.158(e). As previously stated, when nitric acid, in concentrations less than 90 percent, is packaged in wooden or fiberboard outer packaging, in combination with glass inner packagings, the glass inner packagings must be packed in tightly-closed, non-reactive intermediate packagings and cushioned with a non-reactive absorbent material. In the June 2, 2016 final rule, PHMSA did not specify how much absorbent material is required for this packaging configuration. Persons have inquired on exactly how much absorbent material must be used. We clarify in this final rule that, consistent with other provisions for use of absorbent material in the HMR, the absorbent material should be in sufficient quantity to absorb the entire contents of the inner packagings.

III. Corrections and Amendments

In this final rule, PHMSA also makes corrections to sections that were amended by the June 2, 2016 final rule and a March 30, 2017 final rule under Docket Number PHMSA–2015–0273 (HM–215N) [82 FR 15795]. Specifically, we make a conforming amendment to § 173.129 for organic peroxides and clarify applicable requirements for cargo tank motor vehicle (CTMV) periodic tests and inspection. A section-by-section summary of these corrections is as follows:

Part 172

Section 172.101

This section prescribes the purpose and instructions for use of the § 172.101 Hazardous Materials Table (HMT). We are making editorial corrections to two entries in the HMT. For the entry ''UN0501, Propellant, solid'' the Packing Group (PG) in Column (5) is removed as it was inadvertently re-added in the March 30, 2017 final rule (HM–215N). For the entry ''UN0190, Samples, explosive, *other than initiating explosives*'' the PG in Column (5) is removed for consistency with revisions to all other Class 1 explosive entries

made in the June 2, 2016 final rule. Under that rule, all references to PG II in the HMT for explosives were removed as unnecessary because explosives are not assigned packing groups.

Part 173

Section 173.129

Section 173.129 prescribes the requirements for assigning a PG to organic peroxides. Specifically, this section assigns PG II to all organic peroxides. The June 2, 2016, final rule removed the PG designation for all organic peroxides in the § 172.101 Hazardous Materials Table (HMT) to harmonize with international standards. However, the text that assigns PG II to all organic peroxides was left in § 173.129 and may cause confusion for shippers of organic peroxides when reviewing the HMT because the PG designation is no longer shown. Therefore, for consistency and to further clarify that organic peroxides are no longer assigned a packing group, PHMSA is removing and reserving this section.

Part 180

Section 180.407

Paragraph (c) of § 180.407 provides a table of compliance dates for periodic tests and inspection of DOT specification CTMVs. The June 2, 2016, final rule added a provision to allow for a 10-year interval period for the pressure test and internal visual inspection of MC 331 CTMVs under certain conditions (*e.g.,* the cargo tanks must be made of nonquenched and tempered (NQT) SA–612 steel). The provision included a Note 5 that extended the 10-year inspection period to cargo tanks made of NQT SA–202 or NQT SA–455 steel provided the materials have full-size equivalent (FSE) Charpy vee notch (CVN) energy test data that demonstrated 75% shear-area ductility at 32 °F with an average of 3 or more samples >15 ft-lb FSE with no sample <10 ft-lb FSE. However, NQT SA–612 was inadvertently included in the Note. It was the agency's intent that Note 5 only refer to NQT SA–202 or NQT SA–455 steel because NQT SA–612 is already referenced within the table making its inclusion in Note 5 redundant and confusing. Therefore, in this final rule, PHMSA is correcting Note 5 to only refer to NQT SA–202 and NQT SA–455 steels.

Additionally, we are clarifying that as of the June 2, 2016 final rule's effective date, the 10-year inspection period for eligible CTMVs applies from the date the most recent pressure test and internal visual inspection were performed. Meaning eligible cargo tanks tested or inspected prior to the effective date do not have to complete the 5-yr cycle before being able to test or inspect on a 10-year cycle.

Finally, within the paragraph (c) table in the column for ''Date by which first test must be completed (see Note 1),'' we included trigger dates for applicability of the new 10-year requalification for MC 331 CTMVs made of these steels and made the dates consistent with the trigger dates for the other inspection and testing provisions within the table. This has caused unwarranted confusion for the regulated and enforcement communities with respect to compliance. First, the dates were intended to be the same however we introduced a September 1, 2016 date for the visual inspection and a September 1, 2017 date for the pressure test causing confusion on why they were different. Second, the trigger date(s) are different than the July 5, 2016 effective date of the rule causing further confusion on which applies. Therefore, in this rule, we are removing the trigger dates from the paragraph (c) table and clarifying that the effective date (July 5, 2016) of the June 2, 2016 final rule is the trigger date and reiterating that the 10-year interval applies.

Paragraph (g) of § 180.407 prescribes the pressure test requirements for all components of the cargo tank wall. Prior to the publication of the June 2, 2016 final rule, the bench testing requirements for pressure relief valves were contained within § 180.407(g)(1)(ii). In response to a petition (P–1609) from the Truck Trailer Manufacturers Association (TTMA), the June 2, 2016 final rule clarified the requirements for testing pressure relief valves and relocated the requirements of § 180.407(g)(1)(ii)(A), (B), and (C) to § 180.407(j) as (j)(1), (2), and (3), respectively. However, due to an incorrect **Federal Register** instruction, only the introductory text was revised. It was the agency's intent to revise the entire section to remove the paragraphs § 180.407(g)(1)(ii)(A), (B), and (C). To avoid further confusion by regulated entities, in this final rule, PHMSA is removing § 180.407(g)(1)(ii)(A), (B), and (C) as redundant because these same requirements currently reside in § 180.407(j).

PHMSA has received some inquiries regarding the new provisions of § 180.407(j) and how they relate to other sections pertaining to CTMVs. Therefore, PHMSA seeks to clarify that while § 180.407(j) permits DOT 400 series pressure relief devices to be installed on MC 300 series CTMVs, the pressure relief devices must still meet the venting capacity and set pressure requirements of the original specification, in accordance with §§ 173.33(d)(3) and 180.407(h)(2).

IV. Regulatory Analyses and Notices

A. Statutory/Legal Authority for This Rulemaking

This final rule is published under authority of Federal hazardous materials transportation law (Federal hazmat law). *See* 49 U.S.C. 5101 *et seq.* Section 5103(b) of Federal hazmat law authorizes the Secretary of Transportation (Secretary) to prescribe regulations for the safe transportation, including security, of hazardous materials in intrastate, interstate, and foreign commerce. Further, section 5120(b) of Federal hazmat law authorizes the Secretary to ensure that, to the extent practicable, regulations governing the transportation of hazardous materials in commerce are consistent with standards adopted by international authorities. The Secretary has delegated the authority granted in the Federal hazmat law to the PHMSA Administrator. *See* 49 CFR 1.97.

B. Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), Executive Order 13610 (Identifying and Reducing Regulatory Burdens), Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs) and DOT Regulatory Policies and Procedures

This final rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866, ''Regulatory Planning and Review.'' *See* 58 FR 51735 (Oct. 4, 1993). Accordingly, this final rule was not reviewed by the Office of Management and Budget (OMB) and is not considered a significant regulatory action under the DOT Regulatory Policies and Procedures of February 26, 1979. *See* 44 FR 11034.

Executive Order 13563, ''Improving Regulation and Regulatory Review,'' supplements and reaffirms the principles, structures, and definitions governing regulatory review that were established in Executive Order 12866. *See* 76 FR 3821 (Jan. 21, 2011). Executive Order 13563 notes that our nation's current regulatory system must protect not only public health, welfare, safety, and our environment, but also promote economic growth, innovation, competitiveness, and job creation. In addition, Executive Order 13563 specifically requires Federal agencies to: (1) Involve the public in the regulatory

process; (2) promote simplification and harmonization through interagency coordination; (3) ''identify and consider regulatory approaches that reduce burdens and maintain flexibility''; (4) ensure the objectivity of any scientific or technological information used to support regulatory action; and (5) consider how to best promote retrospective analysis to modify, streamline, expand, or repeal existing rules that are outmoded, ineffective, insufficient, or excessively burdensome.

Executive Order 13610, ''Identifying and Reducing Regulatory Burdens,'' urges agencies to conduct retrospective analyses of existing rules to examine whether they remain justified and whether they should be modified or streamlined in light of changed circumstances, including the rise of new technologies. *See* 77 FR 28467 (May 14, 2012).

Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' states that, ''for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.'' Guidance released publicly and dated February 2, 2017 clarified that two ''deregulatory actions'' would be needed to fully offset the costs of each new significant regulatory action that imposes costs.

As this final rule is not considered a significant action under 3(f) of Executive Order 12866, E.O. 13771 is not applicable to this action, and this action has not been analyzed in accordance with the principles and criteria of E.O. 13771.[1]

Together, these executive orders require agencies to regulate in the ''most cost-effective manner,'' to make a ''reasoned determination that the benefits of the intended regulation justify its costs,'' and to develop regulations that ''impose the least burden on society.''

As discussed in this rulemaking, PHMSA is amending various provisions in the HMR for necessary clarification and relaxation of overly burdensome requirements. These appeals requested that PHMSA extend the compliance date of the nitric acid packaging requirements, as well as the compliance date of the requirement for offerors to provide emergency response telephone numbers in numeric form only.[2] Delaying these effective dates is a relaxation or reduction of the burden facing the regulated community. PHMSA anticipates the amendments contained in this rule will provide regulatory clarity and flexibility to the regulated community.

C. Executive Order 13132

This final rule was analyzed in accordance with the principles and criteria contained in Executive Order 13132, ''Federalism,'' which requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may 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.'' *See* 64 FR 43255 (Aug. 10, 1999).

This final rule would preempt State, local, and Indian tribe requirements but does not propose any regulation that has substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

This final rule concerns the classification, packaging, marking, labeling, and handling of hazardous materials, among other covered subjects. As adopted, this rule preempts any State, local, or Indian tribe requirements concerning these subjects unless the non-Federal requirements are ''substantively the same'' as the Federal requirements. *See* 49 CFR 107.202(d).

D. Executive Order 13175

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments,'' which requires agencies to assure meaningful and timely input from Indian tribal government representatives in the development of rules that significantly or uniquely affect Indian communities by imposing ''substantial direct compliance costs'' or ''substantial direct effects'' on such communities or the relationship and distribution of power between the Federal Government and Indian tribes. *See* 65 FR 67249 (Nov. 9, 2000). Since this final rule does not have tribal implications and does not impose substantial direct compliance costs on Indian tribal governments, the funding and consultation requirements of Executive Order 13175 do not apply and a tribal summary impact statement is not required.

E. Regulatory Flexibility Act, Executive Order 13272, and DOT Procedures and Policies

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* requires agencies to consider whether a rulemaking would have a ''significant economic impact on a substantial number of small entities.'' In addition, the Regulatory Flexibility Act directs agencies to establish exceptions and differing compliance standards for small businesses, where it is possible to do so while still meeting the objectives of applicable regulatory statutes. However, in the case of hazardous materials transportation, it is not possible to establish exceptions or differing standards and still accomplish our safety objectives.

As this final rule would clarify provisions based on PHMSA's initiatives and correspondence with the regulated community, the impact that it will have on small entities is not expected to be significant. The changes are generally intended to provide relief and, as a result, marginal positive benefits to shippers, carriers, and packaging manufactures and testers, including small entities. These benefits are not at a level that can be considered economically significant. Consequently, this final rule will not have a significant economic impact on a substantial number of small entities.

This final rule has been developed in accordance with Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (Aug. 16, 2002), as well as DOT's Procedures and Policies, to promote compliance with the Regulatory Flexibility Act to ensure that potential impacts of draft rules on small entities are properly considered.

F. Paperwork Reduction Act

This final rule imposes no new information collection and recordkeeping requirements.

G. Regulation Identifier Number (RIN)

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

[1] Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, ''Reducing Regulation and Controlling Regulatory Costs, Docket ID: OMB–2017–0002, available at: *https://www.regulations.gov/document?D=OMB-2017-0002-0001.*

[2] U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, ''Hazardous Materials; Miscellaneous Amendments (RRR),'' published June 2, 2016, 81 FR 35484, available at: *https://www.regulations.gov/document?D=PHMSA-2013-0225-0075.*

year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

H. Unfunded Mandates Reform Act

This final rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. Public Law 104–4. It does not result in costs of $155 million or more to either State, local, or Tribal governments, in the aggregate, or to the private sector, and it is the least burdensome alternative that achieves the objective of the rule.

I. Environmental Assessment

The National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321–4375, requires Federal agencies to analyze proposed actions to determine whether they will have a significant impact on the human environment. In the June 2, 2016 final rule, PHMSA developed an assessment to determine the effects of these revisions on the environment and whether a more comprehensive environmental impact statement may be required. Our findings conclude that there are no significant environmental impacts associated with this final rule. The amendments are intended to: Update, clarify, or provide relief from certain existing regulatory requirements to promote safer transportation practices; eliminate unnecessary regulatory requirements; facilitate international commerce; and make these requirements easier to understand. For interested parties, the environmental assessment is included with the June 2, 2016, final rule available in the public docket.

J. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 [65 FR 19477] or you may visit *http://www.dot.gov/privacy.*

K. International Trade Analysis

The Trade Agreements Act of 1979, Public Law 96–39, as amended by the Uruguay Round Agreements Act, Public Law 103–465, prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standards have a legitimate domestic objective, such as the protection of safety, and do not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. PHMSA notes the purpose of this rulemaking is to ensure the safety of the American public and has assessed the effects of this rule to ensure that it does not exclude imports that meet this objective. As a result, this final rule is not considered as creating an unnecessary obstacle to foreign commerce.

List of Subjects

49 CFR Part 172

Education, Hazardous materials transportation, Hazardous waste, Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Incorporation by reference, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 180

Hazardous materials transportation, Incorporation by reference, Motor carriers, Motor vehicle safety, Packaging and containers, Railroad safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, PHMSA amends 49 CFR chapter I as follows:

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, TRAINING REQUIREMENTS, AND SECURITY PLANS

■ 1. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96 and 1.97.

■ 2. In § 172.101, the Hazardous Materials Table is amended by revising the following entries in the appropriate alphabetical sequence:

§ 172.101 Purpose and use of hazardous materials table.

* * * * *

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§ 172.101 HAZARDOUS MATERIALS TABLE

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Numbers	PG	Label Codes	Special Provisions (§ 172.102)	(8) Packaging (§ 173.***)			(9) Quantity limitations (see §§ 173.27 and 175.75)		(10) Vessel stowage	
							Exceptions (8A)	Non-bulk (8B)	Bulk (8C)	Passenger aircraft/rail (9A)	Cargo aircraft only (9B)	Location (10A)	Other (10B)
(1)	(2)	(3)	(4)	(5)	(6)	(7)							
	*		*		*		*		*		*		*
	Propellant, solid	1.4C	UN0501		1.4C		None	62	None	Forbidden	75 kg	02	25
	*		*		*		*		*		*		*
G	Samples, explosive, *other than initiating explosives*		UN0190			113	None	62	None	Forbidden	Forbidden	05	25
	*		*		*		*		*		*		*

* * * * *

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PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

■ 3. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96 and 1.97.

§ 173.129 [Removed and Reserved]

■ 4. Remove and reserve § 173.129.

■ 5. In § 173.158, revise paragraph (e) to read as follows:

§ 173.158 Nitric acid.

* * * * *

(e) Nitric acid of less than 90 percent concentration, when offered for transportation or transported by rail, highway, or water may be packaged in 4A, 4B, or 4N metal boxes, 4G fiberboard boxes or 4C1, 4C2, 4D or 4F wooden boxes with inside glass packagings of not over 2.5 L (0.66 gallon) capacity each. Beginning September 17, 2018, when placed in wooden or fiberboard outer packagings, glass inner packagings must be packed in tightly-closed, intermediate packagings and cushioned with absorbent material sufficient to absorb the entire contents of the package. The intermediate packaging and absorbent material must be compatible with the nitric acid. See § 173.24(e).

* * * * *

PART 180—CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGINGS

■ 6. The authority citation for part 180 is revised to read as follows:

Authority: 49 U.S.C. 5101–5128; 49 CFR 1.81 and 1.97.

■ 7. In § 180.407:

■ a. Revise the table and notes in paragraph (c); and

■ b. Revise paragraph (g)(1)(ii).

The revisions read as follows:

§ 180.407 Requirements for test and inspection of specification cargo tanks.

* * * * *

(c) * * *

COMPLIANCE DATES—INSPECTIONS AND TEST UNDER § 180.407(c)

Test or inspection (cargo tank specification, configuration, and service)	Date by which first test must be completed (see Note 1)	Interval period after first test
External Visual Inspection:		
All cargo tanks designed to be loaded by vacuum with full opening rear heads	September 1, 1991	6 months.
All other cargo tanks	September 1, 1991	1 year.
Internal Visual Inspection:		
All insulated cargo tanks, except MC 330, MC 331, MC 338 (see Note 4)	September 1, 1991	1 year.
All cargo tanks transporting lading corrosive to the tank	September 1, 1991	1 year.
MC 331 cargo tanks less than 3,500 gallons water capacity in dedicated propane service constructed of nonquenched and tempered NQT SA–612 steel (see Note 5).		10 years.
All other cargo tanks, except MC 338	September 1, 1995	5 years.
Lining Inspection:		
All lined cargo tanks transporting lading corrosive to the tank	September 1, 1991	1 year.
Leakage Test:		
MC 330 and MC 331 cargo tanks in chlorine service	September 1, 1991	2 years.
All other cargo tanks except MC 338	September 1, 1991	1 year.
Pressure Test:		
(Hydrostatic or pneumatic) (See Notes 2 and 3)		
All cargo tanks which are insulated with no manhole or insulated and lined, except MC 338	September 1, 1991	1 year.
All cargo tanks designed to be loaded by vacuum with full opening rear heads	September 1, 1992	2 years.
MC 330 and MC 331 cargo tanks in chlorine service	September 1, 1992	2 years.
MC 331 cargo tanks less than 3,500 gallons water capacity in dedicated propane service constructed of nonquenched and tempered NQT SA–612 steel (See Note 5).		10 years.
All other cargo tanks	September 1, 1995	5 years.
Thickness Test:		
All unlined cargo tanks transporting material corrosive to the tank, except MC 338	September 1, 1992	2 years.

Note 1: If a cargo tank is subject to an applicable inspection or test requirement under the regulations in effect on December 30, 1990, and the due date (as specified by a requirement in effect on December 30, 1990) for completing the required inspection or test occurs before the compliance date listed in table I, the earlier date applies.

Note 2: Pressure testing is not required for MC 330 or MC 331 cargo tanks in dedicated sodium metal service.

Note 3: Pressure testing is not required for uninsulated lined cargo tanks, with a design pressure MAWP 15 psig or less, which receive an external visual inspection and lining inspection at least once each year.

Note 4: Insulated cargo tanks equipped with manholes or inspection openings may perform either an internal visual inspection in conjunction with the external visual inspection or a hydrostatic or pneumatic pressure-test of the cargo tank.

Note 5: A 10-year inspection interval period also applies to cargo tanks constructed of NQT SA–202 or NQT SA–455 steel provided the materials have full-size equivalent (FSE) Charpy vee notch (CVN) energy test data that demonstrated 75% shear-area ductility at 32 °F with an average of 3 or more samples >15 ft-lb FSE with no sample <10 ft-lb FSE.

* * * * *

(g) * * *

(1) * * *

(ii) All self-closing pressure relief valves, including emergency relief vents and normal vents, must be removed from the cargo tank for inspection and testing according to the requirements in paragraph (j) of this section.

* * * * *

Issued in Washington, DC, on June 12, 2018, under authority delegated in 49 CFR 1.97.

Howard R. Elliott,

Administrator, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2018–12961 Filed 6–15–18; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 120919470–3513–02]

RIN 0648–XG294

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery Off the Southern Atlantic States; Reopening of the Penaeid Shrimp Fishery Off South Carolina

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

ACTION: Temporary rule; reopening.

SUMMARY: NMFS reopens the exclusive economic zone (EEZ) off South Carolina in the South Atlantic to trawling for penaeid shrimp, *i.e.,* for brown, pink, and white shrimp. NMFS previously closed penaeid shrimp trawling in the EEZ off South Carolina on January 17, 2018. The reopening is intended to maximize harvest benefits while protecting the penaeid shrimp resource.

DATES: The reopening is effective at 12:01 a.m., local time, June 13, 2018, until the effective date of a notification of a closure which will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Frank Helies, 727–824–5305; email: *Frank.Helies@noaa.gov.*

SUPPLEMENTARY INFORMATION: Penaeid shrimp in the South Atlantic are managed under the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council (Council) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Under 50 CFR 622.206(a), NMFS may close the EEZ adjacent to South Atlantic states that have closed their waters to the harvest of brown, pink, and white shrimp to protect the white shrimp spawning stock that has been severely depleted by cold weather or when applicable state water temperatures are 9 °C (48 °F), or less, for at least 7 consecutive days. Consistent with those procedures and criteria, after determining that unusually cold temperatures resulted in water temperatures of 9 °C (48 °F), or less, for at least 7 consecutive days in its state waters, the state of South Carolina closed its waters on January 10, 2018, to the harvest of brown, pink, and white shrimp. South Carolina subsequently requested that NMFS implement a concurrent closure of the EEZ off South Carolina.

NMFS determined that South Carolina's request for an EEZ closure conformed with the procedures and criteria specified in the FMP and the Magnuson-Stevens Act, and, therefore, implemented the concurrent EEZ closure effective as of January 17, 2018 (83 FR 2931; January 22, 2018).

During the closure, as specified in 50 CFR 622.206(a)(2), no person could: (1) Trawl for brown, pink, or white shrimp in the EEZ off South Carolina; (2) possess on board a fishing vessel brown, pink, or white shrimp in or from the EEZ off South Carolina unless the vessel is in transit through the area and all nets with a mesh size of less than 4 inches (10.2 cm) are stowed below deck; or (3) for a vessel trawling within 25 nautical miles of the baseline from which the territorial sea is measured, use or have on board a trawl net with a mesh size less than 4 inches (10.2 cm), as measured between the centers of opposite knots when pulled taut.

The FMP and implementing regulations at 50 CFR 622.206(a) state that: (1) The closure will be effective until the ending date of the closure in the state waters, but may be ended earlier based on the state's request; and (2) if the closure is ended through a state's request, NMFS will terminate the closure of the EEZ by filing a notification to that effect with the Office of the Federal Register. The state of South Carolina has requested the EEZ be reopened on June 13, 2018, at the earliest, based on their biological sampling. The state of South Carolina is continuing its monitoring of both water conditions and the penaeid shrimp population in state waters but has not yet determined when the state waters reopening will occur. Therefore, NMFS publishes this notification to reopen the EEZ off South Carolina to the harvest of brown, pink, and white shrimp effective 12:01 a.m., local time, June 13, 2018.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B). Allowing prior notice and opportunity for public comment on the reopening is unnecessary because the rule establishing the reopening procedures has already been subject to notice and comment, and all that remains is to notify the public of the reopening date. Additionally, allowing for prior notice and opportunity for public comment for this reopening is contrary to the public interest because it requires time, thus delaying the removal of a restriction and thereby reducing socio-economic benefits to the shrimp fishery. Also, the FMP procedures and implementing regulations require the penaeid shrimp trawling component based on the state's request, which South Carolina requested to be on June 12, 2018, or as soon as possible thereafter.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in effectiveness of this action under 5 U.S.C. 553(d)(3).

This action is authorized by 50 CFR 622.206(a) and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 13, 2018.

Jennifer M. Wallace,

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

[FR Doc. 2018–13020 Filed 6–13–18; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 170817779–8161–02]

RIN 0648–XF292

Fisheries of the Exclusive Economic Zone Off Alaska; Alaska Plaice in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; apportionment of reserves; request for comments.

SUMMARY: NMFS apportions amounts of the non-specified reserve to the initial total allowable catch (ITAC) of Bering Sea and Aleutian Islands (BSAI) Alaska plaice. This action is necessary to allow the fisheries to continue operating. It is intended to promote the goals and objectives of the fishery management plan for the BSAI management area.

DATES: Effective June 15, 2018, through 2400 hrs, Alaska local time, December 31, 2018. Comments must be received at the following address no later than 4:30 p.m., Alaska local time, June 30, 2018.

ADDRESSES: Submit your comments, identified by NOAA–NMFS–2017–0108, by either of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *https://www.regulations.gov/docket?D=NOAA-NMFS-2017-0108,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the comment period ends. All comments received are a part of the public record and NMFS will post the comments for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender is publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the (BSAI) exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2018 ITAC of BSAI Alaska plaice was established as 13,685 metric tons (mt) by the final 2018 and 2019 harvest specifications for groundfish of the BSAI (83 FR 8365, February 27, 2018). In accordance with § 679.20(a)(3) the Regional Administrator, Alaska Region, NMFS, has reviewed the most current available data and finds that the ITAC for BSAI Alaska plaice needs to be supplemented from the non-specified reserve to promote efficiency in the utilization of fishery resources in the BSAI and allow fishing operations to continue.

Therefore, in accordance with § 679.20(b)(3), NMFS apportions from the non-specified reserve of groundfish 2,415 mt to the BSAI Alaska plaice ITAC in the BSAI management area. This apportionment is consistent with § 679.20(b)(1)(i) and does not result in overfishing of this target species because the revised ITAC is equal to or less than the specifications of the acceptable biological catch in the final 2018 and 2019 harvest specifications for groundfish in the BSAI (83 FR 8365, February 27, 2018).

The harvest specification for the 2018 ITAC included in the harvest specifications for groundfish in the BSAI are revised as 16,100 mt for Alaska plaice.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA) finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) and § 679.20(b)(3)(iii)(A) as such a requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the apportionment of the non-specified reserves of groundfish to Alaska plaice in the BSAI. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet and processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of June 12, 2018.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

Under § 679.20(b)(3)(iii), interested persons are invited to submit written comments on this action (see **ADDRESSES**) until June 30, 2018.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 13, 2018.

Jennifer M. Wallace,

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

[FR Doc. 2018–12977 Filed 6–15–18; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 83, No. 117
Monday, June 18, 2018

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0422; Product Identifier 2018–CE–015–AD]

RIN 2120–AA64

Airworthiness Directives; Pacific Aerospace Limited Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2015–23–03 for Pacific Aerospace Limited Model 750XL airplanes. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as fatigue cracks on the fin forward pickup plates. We are issuing this proposed AD to require actions to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by August 2, 2018.

ADDRESSES: You may send comments by any of the following methods:

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

For service information identified in this proposed AD, contact Pacific Aerospace Limited, Airport Road, Hamilton, Private Bag 3027, Hamilton 3240, New Zealand; phone: +64 7843 6144; fax: +64 843 6134; email: *pacific@aerospace.co.nz;* internet: *www.aerospace.co.nz.* You may review copies of the referenced service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

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–2018–0422; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0422; Product Identifier 2018–CE–015–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 because of those comments.

We will post all comments we receive, without change, to *http://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 2015–23–03, Amendment 39–18319 (80 FR 69569; November 10, 2015) (''AD 2015–23–03''). That AD required actions intended to address an unsafe condition on Pacific Aerospace Limited Model 750XL airplanes and was based on mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country.

Since we issued AD 2015–23–03, a new part number (P/N) hi-lok fastener has become available due to limited availability of the original hi-lok P/N.

The Civil Aviation Authority of New Zealand (CAA), has issued DCA/750XL/18B, dated February 28, 2018 (referred to after this as ''the MCAI''), to correct an unsafe condition for Pacific Aerospace Limited Model 750XL airplanes. The MCAI states:

> This (CAA) AD revised to introduce Pacific Aerospace Limited Mandatory Service Bulletin (MSB) PACSB/XL/068 issue 6, dated 8 January 2018. The changes to the SB are limited to minor editorial changes, and the addition of alternate P/N hi-lok fasteners due to limited availability of the original P/N. There are no changes to the AD applicability or the requirements.

You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0422.

Related Service Information Under 1 CFR Part 51

Pacific Aerospace Limited has issued Pacific Aerospace Service Bulletin PACSB/XL/068, Issue 6, dated January 8, 2018. The service information describes procedures for reducing the torque setting for the fin forward pickup bolt. The service bulletin also introduces a new, improved replacement fin forward pickup plate, part number (P/N) 11–0375–1, to replace P/N 11–10281–1. 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 the 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 this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the 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 AD will affect 22 products of U.S. registry. We also estimate that it will take about 22 work-hours per product to comply with all the requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $1,692 per product.

Based on these figures, we estimate the cost of this AD on U.S. operators to be $78,364, or $3,562 per product.

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 small airplanes, gliders, balloons, airships, domestic business jet transport airplanes, and associated products to the Director of the Policy and Innovation Division.

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Amendment 39–18319 (80 FR 69569; November 10, 2015), and adding the following new AD:

Pacific Aerospace Limited: Docket No. FAA–2018–0422; Product Identifier 2018–CE–015–AD.

(a) Comments Due Date

We must receive comments by August 2, 2018.

(b) Affected ADs

This AD replaces AD 2015–23–03, Amendment 39–18319 (80 FR 69569; November 10, 2015) (''AD 2015–23–03'').

(c) Applicability

This AD applies to Pacific Aerospace Limited Model 750XL airplanes, all serial numbers through XL–193, XL–195, and XL–197, certificated in any category.

(d) Subject

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

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as fatigue cracks on the fin forward pickup plates. We are issuing this AD to detect and correct cracked fin forward pickup plates to prevent failure of the fin forward pickup plates, which could result in reduced control.

(f) Actions and Compliance

Unless already done, do the actions in paragraphs (f)(1) through (f)(4) of this AD:

(1) Within the next 150 hours time-in-service (TIS) after the effective date of this AD, reduce the fin forward pickup bolt torque following the procedures in section 1.D., paragraphs A. 1) and A. 2) of the PLANNING INFORMATION in Pacific Aerospace Limited Mandatory Service Bulletin PACSB/XL/068, Issue 6, dated January 8, 2018.

(2) At or before reaching 2,000 hours total time-in-service (TTIS) or within the next 150 hours TIS after the effective date of this AD, whichever occurs later, and repetitively thereafter at intervals not to exceed 600 hours TIS or 12 months, whichever occurs first, do a detailed visual inspection and liquid penetrant inspection of the fin forward pickup plates for any evidence of cracking. Do the inspections following the procedures in sections 2.A. and 2.B. of the ACCOMPLISHMENT INSTRUCTIONS in Pacific Aerospace Limited Mandatory Service Bulletin PACSB/XL/068, Issue 6, dated January 8, 2018.

(3) If cracks are found in either of the forward pickup plates during any inspection required in paragraph (f)(2) of this AD, before further flight, replace both fin forward pickup plates with new fin forward pickup plates, part number (P/N) 11–03375–1. Do the replacement following the procedures in section 2.C. of the ACCOMPLISHMENT INSTRUCTIONS in Pacific Aerospace Limited Mandatory Service Bulletin PACSB/XL/068, Issue 6, dated January 8, 2018. This replacement terminates the repetitive inspections required in paragraph (f)(2) of this AD.

(4) If no cracks are found during any inspection required in paragraph (f)(2) of this AD, at or before reaching 6,000 hours TTIS or within the next 600 hours TIS after the effective date of this AD, whichever occurs later, replace both fin forward pickup plates, P/N 11–10281–1, with P/N 11–03375–1. Do the replacement following the procedures in section 2.C or 2.D. of the ACCOMPLISHMENT INSTRUCTIONS in Pacific Aerospace Limited Mandatory Service Bulletin PACSB/XL/068, Issue 6, dated January 8, 2018. This replacement terminates the repetitive inspections required in paragraph (f)(2) of this AD.

(g) Credit for Previous Actions

This AD allows credit for actions required in paragraphs (f)(1) through (4) of this AD if done before the effective date of this AD following Pacific Aerospace Limited Mandatory Service Bulletin PACSB/XL/068, Issue 5, dated June 29, 2015.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Small Airplane Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(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, Standards Office, FAA; or the Civil Aviation Authority of New Zealand (CAA).

(i) Special Flight Permit

A special flight permit is prohibited until Part A of the ACCOMPLISHMENT INSTRUCTIONS in Pacific Aerospace Limited Mandatory Service Bulletin PACSB/XL/068, Issue 6, dated January 8, 2018, is completed. Once Part A has been completed, a special flight permit is allowed for Part B of the ACCOMPLISHMENT INSTRUCTIONS in Pacific Aerospace Limited Mandatory Service Bulletin PACSB/XL/068, Issue 6, dated January 8, 2018.

(j) Related Information

Refer to MCAI CAA AD DCA/750XL/18B, dated February 28, 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–2018–0422. For service information related to this AD, contact Pacific Aerospace Limited, Airport Road, Hamilton, Private Bag 3027, Hamilton 3240, New Zealand; phone: +64 7843 6144; fax: +64 843 6134; email: *pacific@aerospace.co.nz;* internet: *www.aerospace.co.nz.* You may review this referenced service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on May 7, 2018.

Melvin J. Johnson,

Deputy Director, Policy & Innovation Division, Aircraft Certification Service.

[FR Doc. 2018–12886 Filed 6–15–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2018–0580]

RIN 100–AA08

Special Local Regulations; Annual Les Cheneaux Islands Antique Wooden Boat Show; Hessel, MI

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to add a special local regulation to increase safety in the navigable waters of Marquette Bay, Hessel, MI, during the annual Les Cheneaux Islands Antique Wooden Boat Show. The proposal will add a no wake zone to be enforced in the area around the show from 7 a.m. to 7 p.m. on a date in mid-August. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before July 9, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2018–0580 using the Federal eRulemaking Portal at *http://www.regulations.gov.* Type the docket number (USCG–2018–0580) in the ''SEARCH'' box and click ''SEARCH.'' See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Chief Steven Durden, Waterways Management, Coast Guard Sector Sault Sainte Marie, U.S. Coast Guard; telephone 906–635–3222, email *Steven.E.Durden@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

The Les Cheneaux Antique Wooden Boat Show was founded in 1978 and the event is held every year in mid-August. During this event, a variety of vessel traffic is attracted to the area in and surrounding the Hessel Marina. A commercial ferry vessel, jet skis, kayaks, paddle boards, sail and power vessels all use this this waterway to view the show and to transit the area. This mix of vessels in close proximity to each other warrants additional safety measures.

The legal basis for this proposed rulemaking is found at 33 U.S.C. 1233; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

III. Discussion of Proposed Rule

The Captain of the Port Sault Sainte Marie (COTP) has determined that adding the Annual Les Cheneaux Islands Antique Wooden Boat Show to the list of Special Local Regulations to establish a no wake zone in the navigable waters of Marquette Bay near Hessel, MI is the most practical way to ensure the safety of the boating public.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day for the no wake zone. Vessel traffic will be able to safely transit through the no wake zone which will impact a small designated area within the COTP zone for a short duration of time. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The

term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the no wake zone may be small entities, for the reasons stated in section V.A. above, this rule will not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves creating a no wake zone for one day each year in a small area. Normally such actions are categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, visit *http://www.regulations.gov/privacynotice.*

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at *http://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. Add § 100.922 to read as follows.

§ 100.922 Special Local Regulations; Annual Les Cheneaux Islands Antique Wooden Boat Show; Hessel, MI

(a) *Regulated area.* These Special Local Regulations apply to all U.S. navigable waters of Marquette Bay, Hessel, MI, within an area bordered by a line from the crib piles charted in position 45°59′59″ N, 084°25′10″ W to Red Buoy ''8'' charted in position 45°59′46″ N, 084°25′37″ W to Red Buoy ''6'' charted in position 45°59′58″ N, 084°25′53″ W to Red Buoy ''4'' charted

in position 45°59′57″ N, 084°26′23″ W to Green Buoy ''5'' charted in position 46°00′13″ N, 084°26′10″ W to land in position 46°00′18″ N, 084°26′04″ W.

(b) *Enforcement Period.* These special local regulations are effective for one day in mid-August. The Coast Guard will issue a notice of enforcement with the exact time and date this regulated area will be enforced.

(c) *Special Local Regulation.* While in the regulated area all vessels will operate at a no wake speed and follow the directions of the on-scene patrol commander.

Dated: June 12, 2018.

M.R. Broz,

Captain, U.S. Coast Guard, Captain of the Port Sault Sainte Marie.

[FR Doc. 2018–12966 Filed 6–15–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0372]

RIN 1625–AA00

Safety Zone; Lower Mississippi River, Mile Markers 94 to 97 Above Head of Passes, New Orleans, LA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a permanent safety zone for the navigable waters of the Lower Mississippi River between mile marker (MM) 94 and MM 97, above Head of Passes. This zone is necessary to provide for the safety of life on these navigable waters during firework displays. This proposed rulemaking would prohibit vessels from entering the safety zone before, during, and after the firework displays unless authorized by the Captain of the Port Sector New Orleans or a designated representative. This proposed safety zone would be enforced only as necessary by the Captain of the Port Sector New Orleans (COTP) through a Notice of Enforcement published in the **Federal Register** and announced through Vessel Traffic Service Advisories, Broadcast Notices to Mariners (BNMs), Local Notice to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before July 18, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2018–0372 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Lieutenant Commander Benjamin Morgan, Sector New Orleans, U.S. Coast Guard; telephone 504–365–2231, email *Benjamin.P.Morgan@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

The Coast Guard Captain of the Port Sector New Orleans (COTP) proposes to establish a permanent safety zone on the Lower Mississippi River in order to better provide for the safety of life on navigable waters during firework displays. The COTP has determined that a large and increasing volume of the firework displays occurring within Sector New Orleans' area of responsibility take place at locations between mile markers (MMs) 94 and 97 above Head of Passes on the Lower Mississippi River. Many of these events recur annually and are listed in Table 5 of 33 CFR 165.801 titled Sector New Orleans Annual and Recurring Safety Zones. However, a substantial and increasing number of these firework displays are one-time events associated with conventions, weddings, festivals, etc. By creating a permanent safety zone that can be enforced through a notice of enforcement, the COTP would be able to more efficiently provide for the safety of life.

This notice of proposed rulemaking (NPRM) would reduce administrative costs associated with issuing separate proposed rules for each individual recurring safety zone. The number of one-time firework displays occurring in this three-mile stretch of the Lower Mississippi River has increased from approximately 6 or 7 events in the years 2016 and 2017, up to approximately 11 events by April of 2018. In addition, the Coast Guard has not received any comments, objections, or complaints for the previous 22 safety zones established over the past three years. Although the COTP expects the number of firework displays to increase each year, neither the COTP nor this proposed rule control the number of one-time firework displays occurring in any given year. Finally, due to the limited duration of each waterway closure associated with these firework displays, there is very little, if any, impact to vessel traffic on these waters of the Lower Mississippi River. Moreover, the proposed rule would allow vessels to seek permission to enter the safety zone on a case-by-case basis from the COTP or a designated representative.

The COTP proposes this permanent safety zone in order to balance the administrative burden and the needs of the public. The purpose of this rulemaking is to ensure the safety of life on these navigable waters within this three-mile segment of the Lower Mississippi River before, during, and after firework displays. Potential hazards associated with firework displays include the accidental discharge of fireworks, dangerous projectiles, and falling embers or other debris. This safety zone covers a three-mile stretch of the river that includes several launching locations where firework displays are most commonly located. However, the COTP has determined that potential hazards associated with each individual fireworks display is a safety concern for vessels navigating within a one-mile stretch of the Lower Mississippi River around a particular launch location. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

III. Discussion of Proposed Rule

The COTP proposes to establish a permanent safety zone between mile marker (MM) 94 and MM 97 on the Lower Mississippi River. While this zone would encompass a three-mile section of the waterway, the COTP would limit the enforcement of the zone only to the areas necessary for the protection of life on these navigable waters before, during, and after the fireworks. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. A designated representative means any Coast Guard commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector New Orleans. Persons and vessels requiring entry into this proposed safety zone must request permission from the COTP or a

designated representative. They may be contacted on VHF–FM Channel 16 or 67 or by telephone at (504) 365–2200. Persons and vessels permitted to enter the proposed safety zone must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative.

In accordance with 33 CFR 165.7, for each enforcement of the safety zone established under this proposed rule, the COTP would publish a notice of enforcement in the **Federal Register** as early as is practicable. The COTP or a designated representative would inform the public of the enforcement area and period of this safety zone through Vessel Traffic Service Advisories, Broadcast Notices to Mariners (BNMs), Local Notice to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, duration, and location of the safety zone. While this zone would be permanent, it would only be enforced on an as needed basis to better regulate marine events in the area. This typically encompasses one-hour operations for a one-mile portion of the waterway.

B. Impact on Small Entities

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves establishing a permanent safety zone on the Lower Mississippi River. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the

outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, visit *http://www.regulations.gov/privacyNotice.*

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at *http://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.845 to read as follows:

§ 165.845 Safety Zone; Lower Mississippi River, mile markers 94 to 97 above Head of Passes, New Orleans, LA

(a) *Location.* The following area is a safety zone: All navigable waters of the Lower Mississippi River, New Orleans, LA from mile marker (MM) 94 to MM 97 above Head of Passes.

(b) *Enforcement period.* The safety zone established by this section will be enforced only upon notice of the Captain of the Port Sector New Orleans (COTP). In accordance with 33 CFR 165.7, for each enforcement of the safety zone established under this section, the COTP will publish a notice of enforcement in the **Federal Register** as early as is practicable. In addition, the COTP will also inform the public of the enforcement area and times of this section as indicated in paragraph (d) Information broadcasts.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into this zone is prohibited to all vessels and persons except vessels authorized by the COTP or designated representative. A designated representative means any Coast Guard commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of Sector New Orleans.

(2) Persons and vessels requiring entry into this safety zone must request permission from the COTP or a designated representative. They may be contacted on VHF–FM Channel 16 or 67 or by telephone at (504) 365–2200.

(3) Persons and vessels permitted to enter this safety zone must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative.

(d) *Information broadcasts.* The COTP or a designated representative will inform the public of the enforcement period of this safety zone through Vessel Traffic Service Advisories, Broadcast Notices to Mariners (BNMs), Local Notice to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate.

Dated: June 11, 2018.

Wayne R. Arguin,

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

[FR Doc. 2018–13025 Filed 6–15–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

[Docket ID ED–2017–OPE–0090]

Program Integrity: Gainful Employment

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Announcement of applicable dates; request for comments.

SUMMARY: On January 6 and January 19, 2017, the Department announced dates by which institutions subject to the Department's gainful employment (GE) regulations must comply with certain disclosure requirements in the GE regulations. On July 5, 2017, the Department announced that it was allowing additional time, until July 1, 2018, to comply with those provisions. This document announces that the Department allows additional time, until July 1, 2019, for institutions to comply with those disclosure requirements in the GE regulations and invites comment on this action.

DATES: The Department is allowing additional time—until July 1, 2019—for institutions to comply with 34 CFR 668.412(d) and (e). We must receive your comments on or before July 18, 2018.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments 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:* If you mail or deliver your comments, address them to Jean-Didier Gaina, U.S. Department of Education, 400 Maryland Ave. SW, Room 290–34, Washington, DC 20202.

Privacy Note: The Department's policy for comments received from members of the public (including comments submitted by mail, commercial delivery, or hand delivery) is to make these submissions 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 on the internet.

FOR FURTHER INFORMATION CONTACT: Scott Filter, U.S. Department of Education, 400 Maryland Ave. SW, Room 290–42, Washington, DC 20202. Telephone: (202) 453–7249. Email at: *Scott.Filter@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Under 34 CFR 668.412(d) and (e), institutions subject to the GE regulations would be required to include a disclosure template with information specified by the Department, or a link thereto, in their GE program promotional materials

and to directly distribute the disclosure template to prospective students.

On January 6 and January 19, 2017, the Department announced dates by which institutions subject to the GE regulations must comply with certain provisions of the GE regulations, including the requirements in 34 CFR 668.412(d) and (e). On March 6, 2017, the Department announced that it was allowing additional time, until July 1, 2017, to comply with those requirements. On June 30, 2017 in an electronic announcement and in a notice published in the **Federal Register** on July 5, 2017, the Department announced that it was allowing additional time, until July 1, 2018, to comply with those requirements and invited comment (82 FR 30975). The Department received 45 comments on that action. Many commenters expressed general support for the GE regulations, while others expressed general opposition to the GE regulations. One commenter recommended the development of a mass upload tool for GE disclosure templates. Another commenter requested the Department review the information that had to be disclosed for GE programs, as they contended the disclosures were confusing to students. Other commenters provided comments on other aspects of the GE regulations, such as on the alternate earnings appeals process, the student warning requirement, and the reporting requirements.

From December 4, 2017, through March 15, 2018, the Department conducted three negotiated rulemaking sessions related to the GE regulations. The committee did not reach consensus. The Department intends to develop proposed regulations that would replace the GE regulations. As part of this rulemaking process, the Department continues to evaluate the efficacy of these disclosures to students, including the manner in which the GE regulations would require institutions make these disclosures, and the burden associated with the implementation of these requirements. As the Department continues to review the utility of these requirements in connection with the proposed rulemaking, we are allowing institutions additional time—until July 1, 2019—to comply with the provisions in 34 CFR 668.412(d) and (e). The requirements in 34 CFR 668.412(a), (b), and (c) that schools post disclosures on their program websites using the approved disclosure template provided by the Department and that those disclosures be updated annually remain in effect.

We are inviting your comments on this action. We will consider these comments in determining whether to take any future action in connection with the implementation of the disclosure requirements.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* Braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at this site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature of this site, you can limit your search to documents published by the Department.

Dated: June 13, 2018.

Betsy DeVos,

Secretary of Education.

[FR Doc. 2018–13054 Filed 6–15–18; 8:45 am]

BILLING CODE 4000–01–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201, 202

[Docket No. 2018–3]

Group Registration of Newsletters

AGENCY: U.S. Copyright Office, Library of Congress

ACTION: Extension of comment period.

SUMMARY: The U.S. Copyright Office is extending the deadline for the submission of written comments in response to its May 17, 2018 notice of proposed rulemaking regarding amendments to its regulation governing the group registration option for newsletters.

DATES: The comment period is extended by an additional thirty days. Comments must be made in writing and must be received in the U.S. Copyright Office no later than July 18, 2018.

ADDRESSES: For reasons of government efficiency, the Copyright Office is using the *regulations.gov* system for the submission and posting of public comments in this proceeding. All comments are therefore to be submitted electronically through *regulations.gov.* Specific instructions for submitting comments are available on the Copyright Office website at *https://www.copyright.gov/rulemaking/group-serials/.* If electronic submission of comments is not feasible due to lack of access to a computer and/or the internet, please contact the Office for special instructions using the contact information below.

FOR FURTHER INFORMATION CONTACT: Robert J. Kasunic, Associate Register of Copyrights and Director of Registration Policy and Practice, or Erik Bertin, Deputy Director of Registration Policy and Practice, by telephone at 202–707–8040, or by email at *rkas@copyright.gov* and *ebertin@copyright.gov;* or Cindy Paige Abramson, Assistant General Counsel, by telephone at 202–707–0676, or by email at *ciab@copyright.gov.*

SUPPLEMENTARY INFORMATION: On May 17, 2018, the U.S. Copyright Office issued a proposed rulemaking to update its regulations governing the group registration option for newsletters, which are defined in part as a class of serials that are published at least two days each week. The Office proposed several changes, such as requiring applicants to submit their applications and deposit copies through the Office's electronic registration system instead of submitting paper applications and physical deposit copies, amending the definition of ''newsletter,'' updating the eligibility requirements for this group registration option, and removing the requirement that newsletter publishers provide the Library of Congress with complimentary subscriptions or microfilm of the newsletter and the effect of this change on newsletter publishers in satisfying their obligations under the mandatory deposit requirement.[1] The Office invited public comment on the notice of proposed rulemaking, to be provided by no later than June 18, 2018. However, to ensure that members of the public have sufficient time to respond, and to ensure that the Office has the benefit of a complete record, the Office is extending the submission deadline by an additional thirty days. Written

[1] 83 FR 22902 (May 17, 2018).

comments now are due no later than July 18, 2018.

Dated: June 13, 2018.

Regan A. Smith,

General Counsel and Associate Register of Copyrights.

[FR Doc. 2018–13017 Filed 6–15–18; 8:45 am]

BILLING CODE 1410–30–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 202

[Docket No. 2018–2]

Group Registration of Serials

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Extension of comment period.

SUMMARY: The U.S. Copyright Office is extending the deadline for the submission of written comments in response to its May 17, 2018 notice of proposed rulemaking regarding amendments to its regulation governing the group registration option for serials.

DATES: The comment period is extended by an additional thirty days. Comments must be made in writing and must be received in the U.S. Copyright Office no later than July 18, 2018.

ADDRESSES: For reasons of government efficiency, the Copyright Office is using the *regulations.gov* system for the submission and posting of public comments in this proceeding. All comments are therefore to be submitted electronically through *regulations.gov.* Specific instructions for submitting comments are available on the Copyright Office website at *https://www.copyright.gov/rulemaking/group-serials/.* If electronic submission of comments is not feasible due to lack of access to a computer and/or the internet, please contact the Office for special instructions using the contact information below.

FOR FURTHER INFORMATION CONTACT: Robert J. Kasunic, Associate Register of Copyrights and Director of Registration Policy and Practice, or Erik Bertin, Deputy Director of Registration Policy and Practice, by telephone at 202–707–8040, or by email at *rkas@copyright.gov* and *ebertin@copyright.gov;* or Cindy Paige Abramson, Assistant General Counsel, by telephone at 202–707–0676, or by email at *ciab@copyright.gov.*

SUPPLEMENTARY INFORMATION: On May 17, 2018, the U.S. Copyright Office issued a proposed rulemaking to update its regulations governing the group registration option for serials—works such as magazines and journals. The Office proposed several changes, such as requiring applicants to submit their applications and deposit copies through the Office's electronic registration system instead of submitting paper applications and physical deposit copies; updating the eligibility requirements for this group registration option, and removing the requirement that serial publishers provide the Library of Congress with complimentary subscriptions and the effect of this change on serial publishers in satisfying their obligations under the mandatory deposit requirement.[1] The Office invited public comment on the notice of proposed rulemaking, to be provided by no later than June 18, 2018. However, to ensure that members of the public have sufficient time to respond, and to ensure that the Office has the benefit of a complete record, the Office is extending the submission deadline by an additional thirty days. Written comments now are due no later than July 18, 2018.

Dated: June 13, 2018.

Regan A. Smith,

General Counsel and Associate Register of Copyrights.

[FR Doc. 2018–13018 Filed 6–15–18; 8:45 am]

BILLING CODE 1410–30–P

[1] 83 FR 22896 (May 17, 2018).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2017–0503; FRL–9979–55—Region 3]

Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Minor New Source Review Permitting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the State of West Virginia. This revision pertains to changes to West Virginia's minor New Source Review (NSR) permit program. This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before July 18, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2017–0503 at *http://www.regulations.gov,* or via email to *duke.gerallyn@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, 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, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For 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: Mr. David Talley, (215) 814–2117, or by email at *talley.david@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On June 6, 2017, the West Virginia Department of Environmental Protection (WVDEP) submitted on behalf of the State of West Virginia a formal revision, requesting EPA's approval of its revised minor NSR regulations, ''45CSR13—Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Administrative Updates, Temporary Permits, General Permits, Permissions to Commence Construction, and Procedures for Evaluation,'' as a revision to the West Virginia SIP.

Section 110(a)(2)(C) of the CAA requires SIPs to include a preconstruction permit program for both major and minor sources. More specifically, SIPs must include the permit programs required under subpart C of title I and must have minor preconstruction programs that assure that the national ambient air quality standards (NAAQS) are maintained. Additionally, 40 CFR 51.160 through 51.163 outline the federal requirements which apply to minor permit issuance, including the required administrative and federally enforceable procedures, and the procedures for public

participation. Under the minor source permitting rules under the Code of State Rules (CSR) at 45CSR13, West Virginia implements minor preconstruction program requirements by issuing permits to: (1) Construct and operate new stationary sources which are not major sources, (2) modify non-major stationary sources, (3) make non-major modifications to existing major stationary sources, and (4) relocate non-major stationary sources. These rules also establish requirements for obtaining a temporary permit and Class I and Class II general permit registration. EPA last approved a revision to 45CSR13 on July 21, 2014. *See* 79 FR 42211.

II. Summary of SIP Revision and EPA Analysis

A. Summary of SIP Revision

WVDEP's June 6, 2017 SIP submittal contains a number of revisions to 45CRSR13, many of them administrative or clarifying in nature. The non-administrative changes include: (1) Revisions to the definitions of modification and stationary source; (2) Revisions to and clarifications of the provisions allowing applicants to store equipment onsite prior to receiving a permit; and (3) Revisions to the applicability criteria for Class I and Class II administrative updates.

B. EPA Analysis

1. ''Modification'' and ''Stationary Source'' Definition Changes

WVDEP added language excluding greenhouse gas (GHG) emissions under the definitions of ''Modification'' and ''Stationary Source'' at 45CSR13 sections 45–13–2.17.a and 45–13–2.24.b, respectively. The specific language added to both definitions is as follows, ''. . . other than emissions of any one or the aggregate of all GHGs, the air pollutant defined in 40 CFR 86.1818–12(a) as the aggregate group of six greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.'' The addition of this language to both definitions clarifies that GHG emissions are not subject to the minor NSR permitting requirements of 45CSR13. In accordance with West Virginia's Prevention of Significant Deterioration (PSD) regulations at 45CSR14, preconstruction permitting requirements for GHG sources are only triggered for major sources or major modifications, and only when such source/modification is already ''major'' for another pollutant (*i.e.,* a source cannot be ''major'' for GHGs alone). This is consistent with the federal PSD regulations at 40 CFR 51.166 and 52.21. Additionally, these revisions are appropriate and meet the federal requirements of 40 CFR 51.160 and 51.161, and CAA section 110(a)(2)(C). Further, the revisions are in accordance with section 110(l) of the CAA because they will not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable CAA requirement.

2. ''Store-on-Site'' Clarifications

WVDEP's previously approved regulations allow sources to ''(r)eceive or store on-site or off-site any equipment or supplies which make up in part or in whole an emission unit or any support equipment, facilities, building or structure,'' prior to receiving a permit under 45CSR13.[1] *See* 45CSR13 section 45–13–5.1.i. WVDEP's June 6, 2017 submittal included a revision to 45–13–5.1.i which clarifies that such supplies etc. may be stored on-site '' . . . on its permanent pad or foundation or at any other location at the stationary source.'' In addition, section 45–13–2 has been revised to add a definition of ''store on-site'' which clarifies that any equipment stored on-site must be kept in the same condition as it was received, and not '' . . . modified, erected or installed.'' *See* 45CSR13 section 45–13–2.26. While there are no corresponding federal regulations, EPA finds these revisions approvable because they are essentially adding conditions to an already approved regulation, and because they meet the requirements of 40 CFR 51.160–51.163 and CAA section 110(a)(2)(C). Additionally, they are consistent with CAA section 110(l) because they will not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable CAA requirement.

3. Class I and Class II Administrative Updates

WVDEP's June 6, 2017 submittal also revised the applicability criteria for sources seeking Class I and Class II administrative updates to minor NSR permits issued under 45CSR13.

The primary difference between Class I and II updates is that, pursuant to 45–13–4.1.d, public notice is not required for Class I updates. For Class II updates, WVDEP provides a 30-day public notice period, in accordance with 45–13–8.3. Additionally, sources requesting Class I amendments may make the change upon submitting the request, prior to receiving a revised permit from WVDEP. In WVDEP's currently approved SIP, only changes to permit conditions which result in a *decrease* in emissions can be approved under a Class I update. Class II updates must be used for changes which result in an increase or no change in emissions. *See* 45CSR13 sections 45–13–4.2.a.8 and 45–13–4.2.b. WVDEP's June 6, 2017 submittal revised those provisions so that rather than applying only to permit revisions which result in an emissions decrease, a Class I update can be used for a permit revision resulting in no emissions increase. A Class II update now must be used in instances where the revision would result in an emissions increase. EPA believes this is a reasonable approach to streamlining WVDEP's administrative burden, and finds these revisions approvable because they meet the requirements of 40 CFR 51.160–51.163 and CAA section 110(a)(2)(C). Additionally, they are consistent with CAA section 110(l) because they will not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable CAA requirement.

4. Non-Substantive Changes

In addition to the revisions previously discussed, WVDEP's June 6, 2017 submittal included a number of non-substantive, clarifying and/or administrative changes. Some examples include the deletion of 45CSR13 section 45–13–1.5 which referenced the former version of 45CSR13, re-codifications required by insertions or deletions, (*e.g.,* 45CSR13 sections 45–13–2.26 through 45–13–28), and the deletion of 45CSR13 section 45–13–5.8, which was an antiquated reference to operating permits (permits issued under 45CSR13 include authorization to construct and operate). WVDEP's submittal included an underline/strikeout version of the submittal so that all revisions to 45CSR13 can been seen. This is included in the docket for this action and online at *www.regulations.gov.*

These changes to 45CSR13 have been made in order to clarify and streamline the minor NSR program, and are appropriate and meet the federal requirements of 40 CFR 51.160 through 51.163, and CAA section 110(a)(2)(C). Additionally, the revisions are in accordance with section 110(l) of the CAA because they will not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable CAA requirement.

[1] WVDEP's ''store on-site'' provisions do not apply to major PSD or nonattainment NSR permits issued in accordance with 45CSR14 or 45CSR19.

III. Proposed Action

EPA's review of this material indicates that WVDEP's June 6, 2017 SIP submittal meets the requirements under section 110 of the CAA. EPA is proposing to approve the West Virginia SIP revision, adding the revised version of 45CSR13 to the West Virginia SIP, which will replace the current version of 45CSR13 last approved by EPA on July 21, 2014. *See* 79 FR 42212. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Incorporation by Reference

In this proposed rule, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference the West Virginia regulations at 45CSR13 regarding minor NSR permitting program requirements as discussed in Section II of this preamble. EPA has made, and will continue to make, these materials generally available through *http://www.regulations.gov* and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

For that reason, this proposed action:

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

In addition, this proposed rule, incorporating by reference the West Virginia regulations at 45CSR13 regarding minor NSR permitting program requirements, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

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

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

Dated: June 6, 2018.

Cecil Rodrigues,

Acting Regional Administrator, Region III.

[FR Doc. 2018–13045 Filed 6–15–18; 8:45 am]

BILLING CODE 6560–50–P

Notices

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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

Federal Crop Insurance Corporation

[Docket No. FCIC–18–0003]

Notice of Request for Renewal and Revision of the Currently Approved Information Collection

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Renewal and revision of the currently approved information collection.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Farm Service Agency (FSA) and Risk Management Agency (RMA) are requesting comments from all interested individuals and organizations on a revision of a currently approved paperwork package associated with the Acreage and Crop Reporting Streamlining Initiative (ACRSI).

DATES: Written comments on this notice will be accepted until close of business August 17, 2018.

ADDRESSES: FCIC prefers that comments be submitted electronically through the Federal eRulemaking Portal. You may submit comments, identified by Docket ID No. FCIC–18–0003, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Todd Anderson, United States Department of Agriculture, FSA, DAFP, PECD, 1400 Independence Ave. SW, Mail Stop 0570, Washington, DC 20250–0570; or Richard Anderson, RMA, United States Department of Agriculture, P.O. Box 419205, Kansas City, MO 64133–6205.

All comments received, including those received by mail, will be posted without change to *http://www.regulations.gov,* including any personal information provided, and can be accessed by the public. All comments must include the agency name and docket number. For detailed instructions on submitting comments and additional information, see *http://www.regulations.gov.* If you are submitting comments electronically through the Federal eRulemaking Portal and want to attach a document, we ask that it be in a text-based format. If you want to attach a document that is a scanned Adobe PDF file, it must be scanned as text and not as an image, thus allowing FCIC to search and copy certain portions of your submissions. For questions regarding attaching a document that is a scanned Adobe PDF file, please contact the RMA Web Content Team at (816) 823–4694 or by email at *rmaweb.content@rma.usda.gov.*

Privacy Act: Anyone is able to search the electronic form of all comments received for any dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the complete User Notice and Privacy Notice for *Regulations.gov* at *http://www.regulations.gov/#!privacyNotice.*

FOR FURTHER INFORMATION CONTACT: Todd Anderson, United States Department of Agriculture, FSA, DAFP, PECD, Washington, DC 20250–0570, (202) 720–9106; or Richard Anderson, RMA, United States Department of Agriculture, P.O. Box 419205, Kansas City, MO 64133–6205, (816) 926–3950.

SUPPLEMENTARY INFORMATION:

Title: Acreage/Crop Reporting Streamlining Initiative (ACRSI).

OMB Number: 0563–0084.

Expiration Date of Approval: September 30, 2018.

Type of Request: Extension of a currently approved information collection.

Abstract: The currently approved information collection of OMB Number 0563–0084 is up for renewal and we are requesting an extension for 3 years. FSA and RMA are requesting comments from all interested individuals and organizations on the information collection request associated with ACRSI. FSA and RMA have established the procedures, processes, and standards to simplify commodity and acreage reporting by producers, eliminate or minimize duplication of information collection by multiple agencies, and reduce the burden on producers, allowing producers to report this information through FSA county office service centers, insurance agents, or through precision ag technology capabilities. FSA and RMA implemented a streamlined reporting solution to establish a common data collection and reporting capability that supports USDA's programs.

RMA is continuing to improve the existing Office of Management and Budget (OMB) approved information collections for RMA, 0563–0053, Multiple Peril Crop Insurance, acreage information, generally collected from the respondent during a personal visit to the FSA Service Center and again from the respondent during a personal visit with the insurance agent.

The forms are still available to accommodate respondents with no internet access and those who wish to continue to personally visit the FSA Service Center and insurance agent to report this common information.

Information reported to the common data collection and reporting capability (otherwise known as the Clearinghouse) are shared by both FSA and RMA, as well as other USDA agencies, such as NRCS and NASS that have the authority and need for such information. In each phase of system implementation, some or all of the commodity and acreage information in the existing approved information collections are reported through this solution. Furthermore, the information collected are the same as the information currently approved. Additionally, the respondent will continue to report their common information one time through a single source thereby reducing the respondent's burden of reporting such common information and eliminating the duplicate reporting that may be currently required. The information collected will continue to be the same as the information currently approved and are used in the same manner it would be used if reported separately to each agency. The producers are continuing to use their precision-ag systems, farm management information systems, or download data files to directly report certain commodity and acreage information needed to participate in USDA programs.

The information being collected may consist of, but not be limited to: Producer name, customer/tax ID, state, county, commodity name, commodity type or variety, intended use, date

planted, planted acreage, and land location (which may include legal description, FSA farm number, FSA tract number, FSA field number, geospatial as-planted field boundaries, Resource Land Unit, etc.).

FSA and RMA are continuing to implement the ACRSI initiative in phases. The first phase was initiated in the fall of 2011 in Dickenson, Marion, McPherson, and Saline Counties in Kansas, and only for the collection of information from producers regarding winter wheat. The second phase was implemented in the spring of 2015 in 30 counties of Illinois and Iowa covering 9 crops. The third phase was implemented in the fall of 2015 in all counties of 15 states covering 9 crops. The fourth phase was implemented in the spring of 2016 in all counties nationwide covering 13 crops and about 90 percent of reported acreage. The fifth phase was implemented in the fall of 2016 expanding nationwide coverage to 16 crops and about 93 percent of reported acreage. The sixth phase was implemented in the fall of 2017 and spring of 2018 expanding nationwide coverage to 25 crops and about 94 percent of reported acreage. To ensure statutory criteria are met for Federal crop insurance, FSA and Commodity Credit Corporation (CCC) programs, the collection of commodity and acreage information is necessary. This is not a request for a change, addition, or deletion to the currently approved information collections.

However, the existing approved information collection will be updated, modified or eliminated, as applicable, to reflect the reduction in burden on the respondents when the solution is fully implemented.

Respondents: Producers.

Estimated Annual Number of Respondents Utilizing the Web-Based Single Source Reporting System and Benefiting From Sharing Information Between Agencies: 501,012.

Estimated Annual Number of Responses per Respondent: 1.5.

Estimated Total Annual Burden on Respondents Utilizing the Web-Based Single Source Reporting System and Benefiting From Having That Information Shared Between Agencies: 1,377,783 hours.

We are requesting comments on all aspects of this information collection to help us to:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agencies, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of burden 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 through use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms to technology.

All comments in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the request for Office of Management and Budget (OMB) approval.

Martin R. Barbre,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 2018–13049 Filed 6–15–18; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Grazing Permit Administration Forms

AGENCY: Forest Service, USDA.

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the extension with minor revision of a currently approved information collection, Grazing Permit Administration Forms.

DATES: Comments must be received in writing on or before August 17, 2018 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to the Attention: Director, Rangeland Management, USDA Forest Service, Washington Office, 1400 Independence Avenue SW, Mailstop 1111, Washington, DC 20250–1111. To ensure timely delivery, review, and consideration, it may be preferable to submit comments via email to *cfrisbee@fs.fed.us;* or by facsimile to 703–605–1575. If comments are sent by electronic means or by facsimile, the public is requested not to send duplicate comments via regular mail.

All comments, including names and addresses when provided, are placed in the record and available for public inspection and copying.

The public may inspect comments received at the USDA Forest Service Washington Office, between the hours of 8:30 a.m. and 4 p.m. Those wishing to inspect comments are encouraged to call ahead to 202–205–0982 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Andrew Kelher, Rangeland Management at 970–250–4146 or email *akelher@fs.fed.us.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 twenty-four hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: Grazing Permit Administration Forms.

OMB Number: 0596–0003.

Expiration Date of Approval: September 30, 2018.

Type of Request: Renewal of a currently approved collection.

Abstract: This information collection extension is necessary to continue allowing proper administration of livestock grazing programs on National Forest System (NFS) lands. Domestic livestock grazing occurs on approximately 94 million acres of NFS lands. Grazing on NFS lands is subject to authorization and administrative oversight by the Forest Service. The information collected by the Forest Service is the minimum required for issuance and administration of grazing permits, including fee collections, as authorized by the Federal Land Policy and Management Act (FLPMA) of 1976, as amended (43 U.S.C. 1700 *et seq.*) and United States Department of Agriculture regulations at 36 CFR 222, subparts A and C. Similar information is not available from any other source. Some of the forms have been updated for technical corrections; these edits do not change the intent, amount, or type of information collected from the public.

Forest Service officials currently use the following forms to collect the information necessary to administer this program.

FS–2200–0001; Refund, Credit, or Transfer Application collects the following information:

Estimate of Annual Burden: 20 minutes to complete the form.

- Name and mailing address;
- Permit number;
- National Forest or Grassland and Ranger District;
- Purpose of application: Credit on next year's fees, refund of overpaid fees, or transfer of credit to another account;
- Information on the allotment: number of cattle, horses, or sheep;
- Period rangeland not used;

• Reason for less use than permitted; and

• Signature of Permittee.

Information collected on this form enables the Forest Service to evaluate a grazing permittee's request for refund, credit, or transfer of the unused potion of the preceding season's grazing fees paid to the Forest Service for the occupancy of the National Forest System lands by permitted livestock.

FS–2200–0002; Application for Temporary Grazing or Livestock Use Permit collects the following information:

Estimate of Annual Burden: 20 minutes to complete the form.

• Name and address of applicant;

• Type, amount, and location of requested grazing;

• Period of use; and

• Grazing allotment.

Information collected on this form enables the Forest Service to determine whether individuals qualify for a temporary grazing or livestock use permit, which authorizes grazing on certain NFS lands for a period not to exceed one year. The Forest Service uses the information on this form to determine whether the applicant is likely to comply with grazing permit terms and conditions.

FS–2200–0012; Waiver of Term Grazing Permit enables the Forest Service to terminate an individual's grazing privileges on certain NFS lands based upon that individual's sale or transfer of base property, permitted livestock, or both to another individual who desires to acquire a new grazing permit. The waiver enables the Forest Service to cancel the grazing permit held by the individual who sold or transferred the base property, permitted livestock, or both; and to identify the individual who acquired the base property, permitted livestock, or both as the preferred applicant for a new grazing permit.

Estimate of Annual Burden: 30 minutes to complete the form.

FS–2200–0013; Escrow Waiver of Term Grazing Permit Privileges collects information on loans made to permittees. The Forest Service uses the information to record the name and address of a permittee's lender, the amount of the loan, and the due date for repayment. The information assists Agency officials in determining whether to hold in escrow, on behalf of the lender, all of the privileges associated with the grazing permit except the privilege to graze. The Forest Service uses the collected information to (1) notify the lender of important issues associated with the administration of the grazing permit and (2) facilitate the transfer of a grazing permit to the lender if the permittee defaults on the loan.

Estimate of Annual Burden: 20 minutes to complete the form.

FS–2200–0016; Application for Term Grazing Permit collects the following information:

Estimate of Annual Burden: 30 minutes to complete the form.

• Name and address of applicant;

• Type, amount, and location of requested grazing;

• Period of use; and

• Grazing allotment.

The information collected on this form enables the Forest Service to evaluate an applicant's eligibility and qualification to hold a term grazing permit authorizing the use of National Forest System lands for livestock grazing purposes, to determine the applicant's ability to comply with grazing permit terms and conditions, and to notify the applicant in writing of matters associated with the administration of permitted grazing including, but not limited to, bills for the fees associated with the permitted grazing.

FS–2200–0017; Application for Term Private Land Grazing Permit collects the following information:

Estimate of Annual Burden: 20 minutes to complete the form.

• Name and address of applicant;

• Type, amount, and location of requested grazing;

• Period of use; and

• Grazing allotment.

The information collected on this form enables the Forest Service to evaluate an applicant's eligibility and qualification to hold a term private land-grazing permit, which authorizes the use of National Forest System lands and private lands owned or controlled by the applicant for livestock grazing purposes. The information also enables the Forest Service to determine the applicant's ability to comply with grazing permit terms and conditions, and to notify the applicant in writing of matters associated with the administration of permitted grazing.

FS–2200–0025; Ownership Statement by Corporation, Partnership, or Other Legal Entity collects the following information:

Estimate of Annual Burden: 10 minutes to complete the form.

• Name of corporation, partnership, or other legal entity; and

• The title, signing authority, mailing address, shares owned, or percent of ownership of each stockholder, partner, or member of the entity.

The information on this form enables the Forest Service to evaluate whether a corporation, partnership, or other legal entity is eligible and qualified to hold a term grazing permit authorizing grazing on certain National Forest System lands, whether the entity is authorized to conduct business in the state in which the National Forest System lands to be grazed are located, and which shareholders, partners, or members are authorized to sign official documents on behalf of the legal entity.

Type of Respondents: Individuals, Families, or Businesses (especially those owning and operating ranches and farms).

Estimated Annual Number of Respondents: 1,290.

Estimated Annual Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 504 hours.

Comment is invited: Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the Agency, including whether the information will have practical or scientific utility; (2) the accuracy of the Agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission request toward Office of Management and Budget approval.

Dated: May 24, 2018.

Glenn Casamassa,

Associate Deputy Chief, National Forest System.

[FR Doc. 2018–12922 Filed 6–15–18; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Rhode Island Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act

(FACA), that a planning meeting of the Rhode Island Advisory Committee to the Commission will convene by conference call, on Tuesday, July 10, 2018 at 11:00 a.m. (EDT). The purpose of the meeting is to continue working on the payday loan project and plan for August roundtable on civil rights.

DATES: Tuesday, July 10, 2018, at 11:00 a.m. (EDT).

Public Call-In Information: Conference call number: 1–888–334–3020 and conference call ID: 8405258.

FOR FURTHER INFORMATION CONTACT: Evelyn Bohor, at *ero@usccr.gov* or by phone at 202–376–7533.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call number: 1–888–334–3020 and conference call ID: 8405258. Please be advised that before placing them into the conference call, the conference call operator may ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number herein.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1–800–877–8339 and providing the operator with the toll-free conference call number: 1–888–334–3020 and conference call ID: 8405258.

Members of the public are invited to submit written comments; the comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, or emailed to Evelyn Bohor at *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at *https://www.facadatabase.gov/committee/meetings.aspx?cid=272* click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone number, email or street address.

Agenda: Tuesday, July 10, 2018 at 11:00 a.m. (EDT)

I. Welcome and Introductions
Rollcall
II. Planning Meeting
Payday Loan Project
Roundtable Briefing
III. Other Discussion
IV. Open Comment
V. Adjournment

Dated: June 13, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–13019 Filed 6–15–18; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the West Virginia Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA) that a meeting of the West Virginia Advisory Committee to the Commission will convene by conference call at 12:00 p.m. (EST) on Friday, July 6, 2018. The purpose of the meeting is to discuss the final plans for the SAC briefing on the collateral consequences of a felony record. The briefing will be held in Charleston on July 19, 2018.

DATES: Friday, July 6, 2018, at 12:00 p.m. EST.

Public Call-In Information: Conference call-in number: 1–888 298–3457 and conference call ID number: 5788080.

FOR FURTHER INFORMATION CONTACT: Ivy Davis at *ero@usccr.gov* or by phone at 202–376–7533.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call-in number: 1–888–298–3457 and conference call ID number: 5788080. Please be advised that before placing them into the conference call, the conference call operator will ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free conference call-in number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1–888–364–3109 and providing the operator with the toll-free conference call-in number: 1–888–298–3457 and conference call ID number: 5788080.

Members of the public are invited to submit written comments. The comments should be submitted within approximately 30 days after the planning meeting and may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, or emailed to Corrine Sanders at *ero@usccr.gov*. Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at *https://database.faca.gov/committee/meetings.aspx?cid=279,* click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone numbers, email or street address.

Agenda

Friday, July 6, 2018

I. Rollcall
II. Welcome
III. Discuss Briefing Meeting Plans
IV. New Business
V. Adjourn

Dated: June 12, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–12923 Filed 6–15–18; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Maryland Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act

(FACA), that a meeting of the Maryland Advisory Committee to the Commission will convene by conference call at 11:00 a.m. (EDT) on Thursday, July 12, 2018. The purpose of the meeting is to continue discussion of speaker selection and logistics for the August briefing on education disparity.

DATES: Thursday, July 12, 2018, at 11:00 a.m. (EDT).

Public Call-In Information: Conference call-in number: 1–877–741–4240 and conference ID: 4020227.

FOR FURTHER INFORMATION CONTACT: Evelyn Bohor at *ero@usccr.gov* or by phone at 202–376–7533.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call-in number: 1–877–741–4240 and conference ID: 4020227. Please be advised that before placing them into the conference call, the conference call operator will ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free conference call-in number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1–800–877–8339 and providing the operator with the toll-free conference call-in number: 1–877–741–4240 and conference ID: 4020227.

Members of the public are invited to make statements during the open comment period of the meeting or submit written comments. The comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, faxed to (202) 376–7548, or emailed to Evelyn Bohor at *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at *https://facadatabase.gov/committee/meetings.aspx?cid=253,* click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone numbers, email or street address.

Agenda

Thursday, July 12, 2018 at 11:00 a.m. (EDT)

- Rollcall
- Planning Meeting to Discuss Speaker Selection and Logistics for August Briefing
- Other Business
- Open Comment
- Adjourn

Dated: June 12, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–12917 Filed 6–15–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–469–818]

Ripe Olives From Spain: Final Affirmative Countervailing Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of ripe olives from Spain. The period of investigation (POI) is January 1, 2016, through December 31, 2016.

DATES: Applicable June 18, 2018.

FOR FURTHER INFORMATION CONTACT: Mary Kolberg or Lana Nigro, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1785, or (202) 482–1779, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 28, 2017, Commerce published the *Preliminary Determination* of this countervailing duty investigation, as provided by section 705 of the Tariff Act of 1930, as amended (the Act), in which Commerce found that countervailable subsidies are being provided to producers and exporters of ripe olives from Spain.[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 parties for this final determination, may be found in the Issues and Decision Memorandum which is hereby adopted by this notice.[2]

Scope of the Investigation

The product covered by this investigation is ripe olives from Spain. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[3] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope). No interested party commented on the scope of the investigation as it appeared in the *Initiation Notice* during the scope comment period.[4] For the *Preliminary Determination,* Commerce did not modify the scope language as it appeared in the *Initiation Notice.* However, the issue of cocktail mixes arose in the context of the companion antidumping duty (AD) investigation on ripe olives from Spain. In the April 3, 2018, post-preliminary we issued with respect to the scope of the investigation, we found that: (i) Ripe olives contained in cocktail mixes are in the scope, but that the remaining ingredients are not in the scope, and (ii) we clarified the scope by adding language concerning ripe olives contained in cocktail mixes.[5] As a result of our analysis of comments received in response to this post-preliminary analysis, we have modified the scope of this investigation for this final determination. For a summary of the product coverage comments and rebuttal responses submitted to the record for this final determination, and accompanying discussion and analysis

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[1] *See Ripe Olives from Spain: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination,* 82 FR 56218 (November 28, 2017) and accompanying Preliminary Decision Memorandum (Preliminary Decision Memorandum) (collectively, *Preliminary Determination).*

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Countervailing Duty Determination for Ripe Olives from Spain,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[4] *See Ripe Olives from Spain: Initiation of Countervailing Duty Investigation,* 82 FR 33050 (July 19, 2017) (*Initiation Notice*).

[5] *See* Memorandum, ''Ripe Olives from Spain: Post-Preliminary Scope Clarification Decision Memorandum,'' dated April 3, 2018.

of all comments timely received, *see* the Issues and Decision Memorandum.[6]

Methodology

Commerce is conducting this CVD investigation in accordance with section 701 of the Act. For each of the subsidy programs found to be countervailable, we determine that there is a subsidy (*i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient) and that the subsidy is specific. For a full description of the methodology underlying our final determination, *see* the Issues and Decisions Memorandum.

Verification

As provided in section 782(i) of the Act, in February and March 2018, we conducted verification of the information submitted by the European Commission, the Government of Spain, and the mandatory respondents Aceitunas Guadalquivir S.L. (AG), Agro Sevilla Aceitunas S.COOP.And. (Agro Sevilla) and Angel Camacho Alimentacion S.L. (Camacho) for use in Commerce's final determination. We used standard verification procedures, including an examination of relevant accounting records and original source documents provided by the respondents.

Analysis of Comments Received

The subsidies programs under investigation and 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. 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 *http://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/.*

Adverse Facts Available

If necessary information is not available on the record, or an interested party withholds information, fails to provide requested information in a timely manner, significantly impedes a proceeding by not providing information, or information provided cannot be verified, Commerce will apply facts available, pursuant to section 776(a)(1) and (2) of the Act. For purposes of this final determination, Commerce relied, in part, on facts available and, because certain respondents did not cooperate by not acting to the best of their ability to respond to the Commerce's requests for information, we drew an adverse inference, where appropriate, in selecting from among the facts otherwise available.[7] A full discussion of our decision to rely on adverse facts available is presented in the ''Application of Facts Otherwise Available and Use of Adverse Inferences'' section of the Issues and Decision Memorandum.

Changes Since the Preliminary Determination

Based on Commerce's analysis of the comments received and its findings at verification, Commerce made certain changes to the subsidy rate calculations for AG, Agro Sevilla and Camacho.[8] In addition, Commerce revised the subsidy rate calculations for the respondents to reflect the reliance on partial facts available with an adverse inference pursuant to section 776(b) of the Act. Because of these changes to the estimated subsidy rate for each mandatory respondent we have also revised the subsidy rate applicable to all other prroducers and exporters (the all-others rate).

All-Others Rate

Section 705(c)(5)(A) of the Act provides that in the final determination, Commerce shall determine an estimated subsidy rate for all exporters or producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those exporters and producers individually examined, excluding any zero and *de minimis* countervailable subsidy rates, and any rates based entirely under section 776 of the Act. In this investigation, we calculated individually estimated countervailable subsidy rates for AG, Agro Sevilla and Camacho, that are not zero, *de minimis,* or based entirely on facts otherwise available. Because there are three estimated subsidy rates available and doing so would not reveal business proprietary information, we calculated the all-others rate using a weighted-average of the individually estimated subsidy rates calculated for the examined respondents using each respondent's business proprietary data for the merchandise under consideration.[9]

Final Determination

We determine that the following estimated countervailable subsidy rates exist:

Exporter/producer	Subsidy rate (percent)
Aceitunas Guadalquivir S.L.[10]	27.02
Agro Sevilla Aceitunas S.COOP.And.[11]	7.52
Angel Camacho Alimentacion S.L.	13.22
All-Others	14.75

Disclosure

We intend to disclose to interested parties the 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).

Suspension of Liquidation

As a result of our *Preliminary Determination,* and pursuant to sections 703(d)(1)(B) and (2) of the Act, we instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of all entries of merchandise under consideration from Spain that were entered or withdrawn from warehouse, for consumption, on or after November 28, 2017, the date of publication of the *Preliminary Determination* in the **Federal Register**. In accordance with section 703(d) of the Act, effective March 28, 2018, we instructed CBP to discontinue the suspension of liquidation of all entries at that time, but to continue the suspension of liquidation of all entries between November 28, 2017, and March 27, 2018.

If the U.S. International Trade Commission (ITC) makes a final affirmative injury determination we will issue a CVD order, reinstate the

[6] *See* Issues and Decision Memorandum at Comment 30.

[7] *See* sections 776(a) and (b) of the Act.

[8] *See* the ''Discussion of the Issues'' section of the Issues and Decision Memorandum and the company-specific analysis memoranda dated concurrently with, and hereby incorporated by, this notice.

[9] For a complete analysis of the data, *see* Memorandum, ''Countervailing Duty Investigation of Ripe Olives form Spain: Calculation of the All-Others Calculation Rate for the Final Determination,'' dated concurrently with this notice.

[10] In the companion AD investigation, this company's name is spelled as Aceitunas Guadalquivir S.L.

[11] In the companion AD investigation, this company's name is spelled as Agro Sevilla Aceitunas S.Coop Andalusia.

suspension of liquidation under section 706(a) of the Act, and require a cash deposit of estimated CVDs for such entries of subject merchandise in the amounts indicated above. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all estimated duties deposited as a result of the suspension of liquidation will be refunded or cancelled.

International Trade Commission Notification

In accordance with section 705(d) of the Act, Commerce will notify the ITC of its final determination. Because the final determination in this proceeding is affirmative, in accordance with section 705(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 ripe olives from Spain no later than 45 days after Commerce's final determination.

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 705(d) and 777(i)(1) of the Act.

Dated: June 11, 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 products covered by this investigation are certain processed olives, usually referred to as ''ripe olives.'' The subject merchandise includes all colors of olives; all shapes and sizes of olives, whether pitted or not pitted, and whether whole, sliced, chopped, minced, wedged, broken, or otherwise reduced in size; all types of packaging, whether for consumer (retail) or institutional (food service) sale, and whether canned or packaged in glass, metal, plastic, multilayered airtight containers (including pouches), or otherwise; and all manners of preparation and preservation, whether low acid or acidified, stuffed or not stuffed, with or without flavoring and/or saline solution, and including in ambient, refrigerated, or frozen conditions.

Included are all ripe olives grown, processed in whole or in part, or packaged in Spain. Subject merchandise includes ripe olives that have been further processed in Spain or a third country, including but not limited to curing, fermenting, rinsing, oxidizing, pitting, slicing, chopping, segmenting, wedging, stuffing, packaging, or heat treating, or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in Spain.

Subject merchandise includes ripe olives that otherwise meet the definition above that are packaged together with non-subject products, where the smallest individual packaging unit (*e.g.,* can, pouch, jar, etc.) of any such product—regardless of whether the smallest unit of packaging is included in a larger packaging unit (*e.g.,* display case, etc.)—contains a majority (*i.e.,* more than 50 percent) of ripe olives by net drained weight. The scope does not include the non-subject components of such product.

Excluded from the scope are: (1) Specialty olives [12] (including ''Spanish-style,'' ''Sicilian-style,'' and other similar olives) that have been processed by fermentation only, or by being cured in an alkaline solution for not longer than 12 hours and subsequently fermented; and (2) provisionally prepared olives unsuitable for immediate consumption (currently classifiable in subheading 0711.20 of the Harmonized Tariff Schedule of the United States (HTSUS)).

The merchandise subject to this investigation is currently classifiable under subheadings 2005.70.0230, 2005.70.0260, 2005.70.0430, 2005.70.0460, 2005.70.5030, 2005.70.5060, 2005.70.6020, 2005.70.6030, 2005.70.6050, 2005.70.6060, 2005.70.6070, 2005.70.7000, 2005.70.7510, 2005.70.7515, 2005.70.7520, and 2005.70.7525 HTSUS. Subject merchandise may also be imported under subheadings 2005.70.0600, 2005.70.0800, 2005.70.1200, 2005.70.1600, 2005.70.1800, 2005.70.2300, 2005.70.2510, 2005.70.2520, 2005.70.2530, 2005.70.2540, 2005.70.2550, 2005.70.2560, 2005.70.9100, 2005.70.9300, and 2005.70.9700. Although HTSUS subheadings are provided for convenience and US Customs purposes, they do not define the scope of the investigation; rather, the written description of the subject merchandise is dispositive.

[12] Some of the major types of specialty olives and their curing methods are:

- ''Spanish-style'' green olives: Spanish-style green olives have a mildly salty, slightly bitter taste, and are usually pitted and stuffed. This style of olive is primarily produced in Spain and can be made from various olive varieties. Most are stuffed with pimento; other popular stuffings are jalapeno, garlic, and cheese. The raw olives that are used to produce Spanish-style green olives are picked while they are unripe, after which they are submerged in an alkaline solution for typically less than a day to partially remove their bitterness, rinsed, and fermented in a strong salt brine, giving them their characteristic flavor.
- ''Sicilian-style'' green olives: Sicilian-style olives are large, firm green olives with a natural bitter and savory flavor. This style of olive is produced in small quantities in the United States using a Sevillano variety of olive and harvested green with a firm texture. Sicilian-style olives are processed using a brine-cured method, and undergo a full fermentation in a salt and lactic acid brine for 4 to 9 months. These olives may be sold whole unpitted, pitted, or stuffed.
- ''Kalamata'' olives: Kalamata olives are slightly curved in shape, tender in texture, and purple in color, and have a rich natural tangy and savory flavor. This style of olive is produced in Greece using a Kalamata variety olive. The olives are harvested after they are fully ripened on the tree, and typically use a brine-cured fermentation method over 4 to 9 months in a salt brine.
- Other specialty olives in a full range of colors, sizes, and origins, typically fermented in a salt brine for 3 months or more.

Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Investigation
IV. Scope Comments
V. Subsidies Valuation
VI. Loan Interest Rate Benchmarks and Discount Rates
VII. Application of Facts Otherwise Available and Use of Adverse Inference
VIII. Analysis of Programs
IX. Discussion of the Issues
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Comment 2: Whether a Pass-Through Analysis is Required
Comment 3: Whether the EU CAP Pillar I –BPS, SPS, and Greening Programs are Countervailable
Comment 4: Whether EU CAP Pillar II Agricultural Fund for Rural Development is Specific
Comment 5: Whether Commerce Should AFA to the Non-Cooperating Growers
Comment 6: Whether Commerce used the Correct Calculation Methodology to Measure Subsides Received by the Respondents
Comment 7: Whether Commerce Should Remove Non-Growers and Adjust the Calculation of Benefits to Exclude the Olive Volume of Non-Producing Suppliers
Comment 8: Whether Commerce Should Apply AFA to Agro Sevilla Regarding Cross-Ownership with its First-Tier Suppliers
Comment 9: Whether Grant Funding Sourced From the ERDF is Regionally Specific
Comment 10: Whether the EU Sustainable Energy Development of Andalusia Scheme Program is Specific
Comment 11: Whether the PROSOL Program is Specific
Comment 12: Whether the EU Regional Development Fund and IDEA Program is Specific
Comment 13: Whether the EU Environment and Climate Action (LIFE) Program is Specific
Comment 14: Whether the SAIS Program is Specific
Comment 15: Whether Financing Sourced from the Spanish Official Credit Institute (ICO) is Countervailable
Comment 16: Whether Commerce Should Adjust the Interest Rate Used in Certain

Long-Term ICO Financing to Angel Camacho
Comment 17: Whether Commerce Should Adjust the Calculation of European Investment Bank (EIB) Financing Received by Agro Sevilla
Comment 18: Whether To Apply AFA to the CDTI Program
Comment 19: Whether the CDTI Program is Export Specific
Comment 20: Whether Commerce Should Apply AFA to Angel Camacho's Unreported Grant Presented at Verification
Comment 21: Whether Commerce Should Rely on ''Unverified'' Information
Comment 22: Whether Commerce Should Adjust the Volume of Raw Olives Purchased to Account for Waste Loss
Comment 23: Whether Commerce Should Accept Rejected Submission from the GOS and the Respondents
Comment 24: Comments on the Verification Reports
Comment 26: Whether Commerce's Conduct in This Investigation Meets the Requirements of the ASCM
Comment 26: Whether Other Discovered Subsidies Should be Included in this Investigation and Whether Other Assistance Can Form the Basis for Applying AFA
Comment 27: Whether Commerce Should Include the Corrections of the Alleged Ministerial Errors
Comment 28: Commerce Must Use Corrected and Revised Data in the Calculations
Comment 29: Whether To Clarify the Scope of the Investigation to Include Ripe Olives Contained in Cocktail Mixes
Comment 30: The Product to Which the Countervailing Duty Applies
X. Recommendation

[FR Doc. 2018–12990 Filed 6–15–18; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–087]

Steel Propane Cylinders From the People's Republic of China: Initiation of Countervailing Duty Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable June 11, 2018.

FOR FURTHER INFORMATION CONTACT: Samuel Brummitt, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone (202) 482–7851.

SUPPLEMENTARY INFORMATION:

The Petition

On May 22, 2018, the U.S. Department of Commerce (Commerce) received a countervailing duty (CVD) petition concerning imports of steel propane cylinders from the People's Republic of China (China), and antidumping duty (AD) petitions concerning imports of steel propane cylinders from China, Taiwan, and Thailand filed in proper form on behalf of Worthington Industries and Manchester Tank & Equipment Co. (the petitioners).[1] The petitioners are domestic producers of steel propane cylinders.[2]

The petitioners amended the scope of the petitioners on May 24, 2018.[3] On May 25, 2018, Commerce requested supplemental information pertaining to certain areas of the petition.[4] The petitioners filed responses to these requests on May 30, 2018.[5] On May 30, 2018, the petitioners submitted certain revisions to the scope.[6]

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that the Government of China (GOC) is providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to producers of steel propane cylinders in China and imports of such products are materially injuring, or threatening material injury to, the domestic steel propane cylinders industry in the United States. Consistent with section 702(b)(1) of the Act and 19 CFR 351.202(b), for those alleged programs on which we are initiating a CVD investigation, the petition is accompanied by information reasonably available to the petitioners supporting their allegations.

Commerce finds that the petitioners filed the petition on behalf of the domestic industry because the petitioners are interested parties as defined in section 771(9)(C) of the Act. We also find that the petitioners demonstrated sufficient industry support with respect to the initiation of this CVD investigation that the petitioners are requesting.[7]

Period of Investigation

Because the petition was filed on May 22, 2018, the period of investigation is January 1, 2017, through December 31, 2017.[8]

Scope of the Investigation

The products covered by this investigation are steel propane cylinders from China. For a full description of the scope of the investigation, *see* the Appendix to this notice.

Comments on Scope of the Investigation

During our review of the petition, Commerce issued questions to, and received responses from, the petitioners pertaining to the proposed scope to ensure that the scope language in the petition is an accurate reflection of the product for which the domestic industry is seeking relief.[9] As a result of these exchanges, the scope of the petition was modified to clarify the description of merchandise covered by the petition. The description of the merchandise covered by this initiation, as described in the Appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (scope), including comments on whether it is appropriate to refer to the subject merchandise as ''steel *propane* cylinders'' (emphasis added) or just as ''steel cylinders,'' given that the petitioners intend to cover all products that meet the physical description of the scope regardless of whether they ultimately contain or transport compressed or liquefied propane gas.[10]

[1] *See* Petitioners' Letter, ''Steel Propane Cylinders from the People's Republic of China, Taiwan, and Thailand: Petition for the Imposition of Antidumping and Countervailing Duties,'' dated May 22, 2018 (the Petitions). For the purposes of the instant notice, all references to 'the Petition,' herein, refer specifically to the CVD Petition, and all references to ''AD Petitions,'' herein refer specifically to the petitioners filed in the companion AD proceedings.

[2] *See* Petition at Volume I at 1–2.

[3] *See* Petitioners' Letter, ''Steel Propane Cylinders from the People's Republic of China, Taiwan, and Thailand: Petitioners' Amendment to Volume I Relating to General Issues,'' dated May 24, 2018 (Scope Amendment).

[4] *See* Department Letter re: Petition for the Imposition of Countervailing Duties on Imports of Steel Propane Cylinders from the People's Republic of China: Supplemental Questions, dated May 25, 2018; and Department Letter re: Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Steel Propane Cylinders from the People's Republic of China, Taiwan, and Thailand: Supplemental Questions, dated May 25, 2018 (Petition Supplemental Questions).

[5] *See* Petitioners' Letter, ''Steel Propane Cylinders from the People's Republic of China, Taiwan, and Thailand—Petitioners' Supplement to Volume I Relating to General Issues,'' dated May 30, 2018 (General Issues Supplement); *see also* Petitioners' Letter, ''Steel Propane Cylinders from the People's Republic of China, Taiwan, and Thailand—Petitioners' Amendment to Volume V Relating to the People's Republic of China Countervailing Duties,'' dated May 30, 2018 (China CVD Petition Supplement).

[6] *See* General Issues Supplement at 11–12.

[7] *See* ''Determination of Industry Support for the Petition'' section, *infra.*

[8] *See* 19 CFR 351.204(b)(2).

[9] *See* Petition Supplemental Questions; *see also* General Issues Supplement at 11–12.

[10] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*); *see also* General Issues Supplement, at 4 and 8–9. On June 11, 2018, the petitioners filed proposed revisions to the scope language for Commerce's consideration. *See* letter

Continued

Commerce will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determination. If scope comments include factual information,[11] all such factual information should be limited to public information. To facilitate preparation of its questionnaires, Commerce requests that all interested parties submit comments within 20 calendar days from the signature date of this notice. As such, scope comments must be filed by 5:00 p.m. Eastern Time (ET) on July 2, 2018.[12] Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on July 12, 2018, which is 10 calendar days from the initial comments deadline.[13]

Commerce requests that any factual information the parties consider relevant to the scope of the investigation be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party may contact Commerce and request permission to submit the additional information. All such comments must be filed on the records of each of the concurrent AD and CVD investigations, in accordance with the filing requirements, discussed immediately below.

Filing Requirements

All submissions to Commerce must be filed electronically using Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS).[14] An electronically filed document must be received successfully in its entirety by the time and date it is due. Documents exempted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Consultations

Pursuant to sections 702(b)(4)(A)(i) and (ii) of the Act, Commerce notified representatives of the GOC of the receipt of the petition, and provided them the opportunity for consultations.[15] The GOC did not request consultations.[16]

Determination of Industry Support for the Petition

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers, as a whole, of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,[17] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[18]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioners do not offer a definition of the domestic like product distinct from the scope of the investigation.[19] Based on our analysis of the information submitted on the record, we have determined that steel propane cylinders, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[20]

In determining whether the petitioners have standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the petition with reference to the domestic like product as defined in the ''Scope of the Investigation,'' in the Appendix to this notice. To establish industry support, the petitioners provided their own production of the domestic like product in 2017.[21] The petitioners state that there are no other known producers of steel propane cylinders in the United States; therefore,

from the petitioners, ''Steel Propane Cylinders from the People's Republic of China, Taiwan, and Thailand—Amended Scope Language,'' dated June 11, 2018.

[11] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

[12] Because the 20th day is July 1, 2018, a Sunday, the filing deadline is Monday, July 2, 2018.

[13] *See* 19 CFR 351.303(b).

[14] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011). *See also Enforcement and Compliance: Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014) for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on help using ACCESS can be found at *https://access.trade.gov/help.aspx,* and a handbook can be found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

[15] *See* Department Letter re: Countervailing Duty Petition on Steel Propane Cylinders from the People's Republic of China: Invitation for Consultations to Discuss the Countervailing Duty Petition, dated May 23, 2018.

[16] *See* Memorandum, ''Invitation to the Government of the People's Republic of China for Consultations on the Steel Propane Cylinders Countervailing Duty Petition,'' dated June 7, 2018.

[17] *See* section 771(10) of the Act.

[18] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[19] *See* Petition at Volume I at 10–12; *see also* General Issues Supplement at 13–18.

[20] For a discussion of the domestic like product analysis as applied to this case and information regarding industry support, *see* Countervailing Duty Investigation Initiation Checklist: Steel Propane Cylinders from the People's Republic of China (China CVD Initiation Checklist) at Attachment II: Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Steel Propane Cylinders from the People's Republic of China, Taiwan, and Thailand (Attachment II). This checklist is dated concurrently with this notice and on file electronically *via* ACCESS. Access to documents filed *via* ACCESS is also available in the Central Records Unit, Room B8024 of the main Department of Commerce building.

[21] *See* Petition at Volume I at 3–4 and Exhibit GEN–2.

the petition is supported by 100 percent of the U.S. industry.[22]

Our review of the data provided in the petition and other information readily available to Commerce indicates that the petitioners have established industry support for the petition.[23] First, the petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.,* polling).[24] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the petition account for at least 25 percent of the total production of the domestic like product.[25] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition.[26] Accordingly, Commerce determines that the petition was filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.

Commerce finds that the petitioners filed the petition on behalf of the domestic industry because they are interested parties as defined in section 771(9)(C) of the Act, and they have demonstrated sufficient industry support with respect to the CVD investigation that they are requesting that Commerce initiate.[27]

Injury Test

Because China is ''Subsidies Agreement Country'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to this investigation. Accordingly, the ITC must determine whether imports of the subject merchandise from China materially injure, or threaten material injury to, a U.S. industry.

[22] *Id.,* at 3–4; Exhibit GEN–1; and Exhibit GEN–2. For further discussion, *see* China CVD Initiation Checklist at Attachment II.

[23] *Id.*

[24] *Id.; see also* section 702(c)(4)(D) of the Act.

[25] *See* China CVD Initiation Checklist at Attachment II.

[26] *Id.*

[27] *Id.*

Allegations and Evidence of Material Injury and Causation

The petitioners allege that imports of the subject merchandise are benefitting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, the petitioners allege that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[28]

The petitioners contend that the industry's injured condition is illustrated by a significant and increasing volume of imports from the subject countries; the domestic industry's reduced market share; underselling and price depression or suppression; a negative impact on the domestic industry's production, shipments, capacity utilization, and financial performance; and lost sales and revenues.[29] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[30]

Initiation of CVD Investigation

Based on our examination of the petition, we find that it meets the requirements of section 702 of the Act. We find that there is sufficient information to initiate a CVD investigation on all of the subsidy programs alleged in the petition. Therefore, we are initiating a CVD investigation to determine whether imports of steel propane cylinders from China benefit from countervailable subsidies conferred by the GOC. For a full discussion of the basis for our decision to initiate on each program, see the China CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 65 days after the date of this initiation.

[28] *See* Petition at Volume I at 13–14 and Exhibit GEN–1.

[29] *Id.,* at 9–25; Exhibit GEN–1; and Exhibits GEN–7 through GEN–15; *see also* General Issues Supplement at 3 and Exhibit GEN–Supp–2.

[30] *See* China CVD Initiation Checklist at Attachment III: Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Steel Propane Cylinders from the People's Republic of China, Taiwan, and Thailand (Attachment III).

Respondent Selection

The petition named ten companies in China as producers/exporters of steel propane cylinders.[31] Commerce intends to follow its standard practice for a CVD investigation and calculate company-specific subsidy rates in this investigation. In the event Commerce determines that the number of companies is large and it cannot individually examine each company based upon Commerce's resources, where appropriate, Commerce intends to select mandatory respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports of steel propane cylinders from China during the POI under the appropriate Harmonized Tariff Schedule of the United States numbers listed in the ''Scope of the Investigation,'' in the Appendix.

On June 6, 2018, Commerce released CBP data from China under Administrative Protective Order (APO) to all parties with access to information protected by APO and indicated that interested parties wishing to comment regarding the CBP data and respondent selection must do so within three business days of the publication date of the notice of initiation of this CVD investigation.[32] Commerce will not accept rebuttal comments regarding the CBP data or respondent selection. Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Commerce's website at *http://enforcement.trade.gov/apo.*

All respondent selection comments must be filed electronically using ACCESS. An electronically filed document must be received successfully, in its entirety, by Commerce's electronic records system, ACCESS, no later than 5:00 p.m. ET on the date noted above. We intend to make our decisions regarding respondent selection within 20 days of publication of this notice.

Distribution of Copies of the Petition

In accordance with section 702(b)(4)(A)(i) of the Act and 19 CFR 351.202(f), a copy of the public version of the petition was provided to the GOC *via* ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the petition to each named exporter as provided under 19 CFR 351.203(c)(2).

[31] *See* Petition at Volume I at Exhibit GEN–7.

[32] *See* Memorandum, ''U.S. Customs Data for Respondent Selection,'' dated June 6, 2018.

ITC Notification

We will notify the ITC of our initiation, as required by section 702(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the petition was filed, whether there is a reasonable indication that imports of steel propane cylinders from China is materially injuring, or threatening material injury to, a U.S. industry.[33] A negative ITC determination will result in the investigation being terminated.[34] Otherwise, the investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Any party, when submitting factual information, must specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted [35] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[36] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in this investigation.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Parties should review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in this investigation.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[37] Parties must use the certification formats provided in 19 CFR 351.303(g).[38] Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, Commerce published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in this investigation should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 702 and 777(i) of the Act and 19 CFR 351.203(c).

Dated: June 11, 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—Scope of the Investigation

The merchandise covered by this investigation is steel cylinders for compressed or liquefied propane gas (steel propane cylinders) meeting the requirements of, or produced to meet the requirements of, U.S. Department of Transportation (USDOT) Specifications 4B, 4BA, or 4BW, or Transport Canada Specification 4BM, 4BAM, or 4BWM, or United Nations pressure receptacle standard ISO 4706. The scope includes steel propane cylinders regardless of whether they have been certified to these specifications before importation. Steel propane cylinders range from 2.5 pound nominal gas capacity (approximate 6 pound water capacity and approximate 4–6 pound tare weight) to 42 pound nominal gas capacity (approximate 100 pound water capacity and approximate 28–32 pound tare weight). Steel propane cylinders have two or fewer ports and may be imported assembled or unassembled (*i.e.,* welded or brazed before or after importation), with or without all components (including collars, valves, gauges, tanks, foot rings, and overfill prevention devices), and coated or uncoated. Also included within the scope are drawn cylinder halves, unfinished propane cylinders, collars, and foot rings for steel propane cylinders.

An ''unfinished'' or ''unassembled'' propane cylinder includes drawn cylinder halves that have not been welded into a cylinder, cylinders that have not had flanges welded into the port hole(s), cylinders that are otherwise complete but have not had collars or foot rings welded to them, otherwise complete cylinders without a valve assembly attached, and cylinders that are otherwise complete except for testing, certification, and/or marking.

This investigation also covers steel propane cylinders that meet, are produced to meet, or are certified as meeting, other U.S. or Canadian government, international, or industry standards (including, for example, American Society of Mechanical Engineers (ASME), or American National Standard Institute (ANSI)), if they also meet, are produced to meet, or are certified as meeting USDOT Specification 4B, 4BA, or 4BW, or Transport Canada Specification 4BM, 4BAM, or 4BWM, or a United Nations pressure receptacle standard ISO 4706.

Subject merchandise also includes steel propane cylinders that have been further processed in a third country, including but not limited to, attachment of collars, foot rings, or handles by welding or brazing, heat treatment, painting, testing, certification, or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the in-scope steel propane cylinders.

Specifically excluded are seamless steel propane cylinders and propane cylinders made from stainless steel (*i.e.,* steel

[33] *See* section 703(a)(2) of the Act.

[34] *See* section 703(a)(1) of the Act.

[35] *See* 19 CFR 351.301(b).

[36] *See* 19 CFR 351.301(b)(2).

[37] *See* section 782(b) of the Act.

[38] *See also Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*). Answers to frequently asked questions regarding the *Final Rule* are available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

containing at least 10.5 percent chromium by weight and less than 1.2 percent carbon by weight), aluminum, or composite fiber material. Composite fiber material is material consisting of the mechanical combination of two components: fiber (typically glass, carbon, or aramid (synthetic polymer)) and a matrix material (typically polymer resin, ceramic, or metallic).

The merchandise subject to this investigation is properly classified under statistical reporting numbers 7311.00.0060 and 7311.00.0090 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS statistical reporting numbers are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

[FR Doc. 2018–12998 Filed 6–15–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–817]

Ripe Olives From Spain: 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 ripe olives from Spain are being, or are 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 June 18, 2018.

FOR FURTHER INFORMATION CONTACT: Catherine Cartsos, Bryan Hansen or Peter Zukowski, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1757, (202) 482–3683 or (202) 482–0189, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 26, 2018, Commerce published the *Preliminary Determination* of this LTFV investigation in which Commerce found that ripe olives from Spain were sold at LTFV.[1] For 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 parties for this final determination, *see* the Issues and Decision Memorandum.[2]

Scope of the Investigation

The product covered by this investigation is ripe olives from Spain. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[3] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope). No interested party commented on the scope of the investigation as it appeared in the *Initiation Notice* during the scope comment period.[4] In the context of supplemental questionnaire responses, two of the three mandatory respondents in the LTFV investigation reported sales of cocktail mixes but stated that they believe cocktail mixes are not within the scope of the investigation. In response, the petitioner[5] commented that the respondents cannot unilaterally determine whether cocktail mixes are outside the scope. For the *Preliminary Determination,* we did not modify the scope language as it appeared in the *Initiation Notice.* We included all sales of cocktail mixes and their associated costs in our margin calculations, and solicited further information from parties concerning cocktail mixes for purposes of the final determination. In the April 3, 2018, post-preliminary analysis we issued with respect to the scope of the investigation, we found that: (i) Ripe olives contained in cocktail mixes are in the scope, but that the remaining ingredients are not in the scope, and (ii) we clarified the scope by adding language concerning ripe olives contained in cocktail mixes.[6] As a result of our analysis of comments received in response to this post-preliminary analysis, we have modified the scope of this investigation for this final determination. For a summary of the product coverage comments and rebuttal responses submitted to the record for this final determination, and accompanying discussion and analysis of all comments timely received, *see* the Issues and Decision Memorandum.[7]

Verification

As provided in section 782(i) of the Act, in February and March 2018, we conducted verification of the information reported by the mandatory respondents Aceitunas Guadalquivir S.L. (AG), Agro Sevilla Aceitunas S.COOP Andalusia (Agro Sevilla),[8] and Angel Camacho Alimentacion S.L. (Camacho) for use in our final determination. 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. 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/.*

Changes Since the Preliminary Determination and Use of Partial Adverse Facts Available

Based on our analysis of the comments received and our findings at verification, we made certain changes to the margin calculations for AG, Agro Sevilla and Camacho.[9] In addition, we revised the margin calculations for Camacho to reflect the application of partial facts available with an adverse inference pursuant to section 776(b) of

[1] *See Ripe Olives from Spain: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 83 FR 3677 (January 26, 2018) and accompanying Preliminary Decision Memorandum (Preliminary Decision Memorandum) (collectively, *Preliminary Determination).*

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less than Fair Value Investigation of Ripe Olives from Spain,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[4] *See Ripe Olives from Spain: Initiation of Less-Than-Fair-Value Investigation,* 82 FR 33054 (July 19, 2017) (*Initiation Notice*).

[5] The Coalition for Fair Trade on Ripe Olives.

[6] *See* Memorandum, ''Ripe Olives from Spain: Post-Preliminary Scope Clarification Decision Memorandum,'' dated April 3, 2018.

[7] *See* Issues and Decision Memorandum at Comment 1.

[8] In the *Preliminary Determination* the company name was spelled incorrectly as Agro Sevilla Aceitunas S.COOP Anndalusia. The correct spelling of the company name is Agro Sevilla Aceitunas S.COOP Andalusia.

[9] *See* the ''Discussion of the Issues'' section of the Issues and Decision Memorandum and the company-specific analysis memoranda dated concurrently with, and hereby incorporated by, this notice.

the Act. For a discussion of these changes, *see* the Issues and Decision Memorandum. We have also revised the estimated weighted-average dumping margin for all-other producers or exporters (the all-others rate).

All-Others Rate

Section 735(c)(5)(A) of the Act provides that in the final determination Commerce shall determine an estimated weighted-average dumping margin for all exporters or 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 or producers individually examined, excluding any rates that are zero, *de minimis* or determined entirely under section 776 of the Act. In this investigation, we calculated estimated weighted-average dumping margins for the individually examined respondents that are not zero, *de minimis,* or based entirely on facts otherwise available. Because there are three estimated weighted-average dumping margins and doing so would not reveal business proprietary information, we calculated the all-others rate using a weighted-average of the estimated weighted-average dumping margins calculated for the examined respondents using each company's business proprietary data for the merchandise under consideration.[10]

Final Determination

We determine that the following estimated weighted-average dumping margins exist:

Exporter or producer	Estimated weighted-average dumping margin (percent)	Adjusted for export subsidies (percent) [11]
Aceitunas Guadalquivir S.L. [12]	17.46	[13] 17.45
Agro Sevilla Aceitunas S.COOP Andalusia [14]	25.50	[15] 25.39
Angel Camacho Alimentacion S.L.	16.88	[16] 16.83
All-Others	20.04	19.98

Disclosure

We intend to disclose to interested parties the 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).

Continuation of 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 ripe olives from Spain as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after January 26, 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 as follows: (1) The cash deposit rate for the respondents listed above under Final Determination will be equal to their respondent-specific estimated weighted-average dumping margin; (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; (3) for all other producers or exporters of ripe olives to the United States, the cash deposit rate will be equal to the all-others rate.

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 CVD investigation. Consistent with Commerce's practice, where the product under investigation is also subject to a concurrent CVD investigation, Commerce instructs CBP to require a cash deposit equal to the estimated weighted-average dumping margin, less the amount of the CVD determined to constitute an export subsidy.[17] Therefore, in the event that a CVD order is issued and suspension of liquidation is resumed in the companion CVD investigation on ripe olives from Spain,[18] 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. Until such suspension of liquidation is resumed in the companion CVD investigation, and 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 estimated weighted-average dumping margin column in the rate chart, above.

These suspension of liquidation instructions will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, Commerce will notify the International Trade Commission (ITC) of its final 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 ripe olives from Spain 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

[10] For a complete analysis of the data, *see* Memorandum, ''Less-Than-Fair-Value Investigation of Ripe Olives from Spain: Calculation of the All-Others Rate in the Final Determination,'' dated concurrently with this notice.

[11] The cash deposit rate is equal to the calculated estimated weighted-average dumping margin adjusted for the appropriate export subsidy offset(s). *See* final countervailing duty (CVD) determination, ''Ripe Olives from Spain: Final Affirmative Countervailing Duty Determination,'' signed concurrently with this notice.

[12] In the companion CVD investigation, this company's name is spelled as Aceitunas Guadalquivir S.L.U.

[13] *See* Memorandum, ''Final Determination Calculations for Aceitunas Guadalquivir, S.L.U.,'' dated concurrently with this notice.

[14] In the companion CVD investigation, this company's name is spelled as Agro Sevilla Aceitunas S.Coop.And.

[15] *See* Memorandum, ''Final Determination Calculations for Agro Sevilla Aceitunas S.Coop.And.,'' dated concurrently with this notice.

[16] *See* Memorandum, ''Final Determination Calculations for Angel Camacho Alimentacion S.L.,'' dated concurrently with this notice.

[17] *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).

[18] The provisional measures for the CVD investigation of ripe olives from Spain have currently expired (*i.e.,* exceeded the maximum four-month period), and, therefore, no adjustment for countervailed export subsidies is warranted.

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 written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a 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.

Dated: June 11, 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 products covered by this investigation are certain processed olives, usually referred to as ''ripe olives.'' The subject merchandise includes all colors of olives; all shapes and sizes of olives, whether pitted or not pitted, and whether whole, sliced, chopped, minced, wedged, broken, or otherwise reduced in size; all types of packaging, whether for consumer (retail) or institutional (food service) sale, and whether canned or packaged in glass, metal, plastic, multilayered airtight containers (including pouches), or otherwise; and all manners of preparation and preservation, whether low acid or acidified, stuffed or not stuffed, with or without flavoring and/or saline solution, and including in ambient, refrigerated, or frozen conditions.

Included are all ripe olives grown, processed in whole or in part, or packaged in Spain. Subject merchandise includes ripe olives that have been further processed in Spain or a third country, including but not limited to curing, fermenting, rinsing, oxidizing, pitting, slicing, chopping, segmenting, wedging, stuffing, packaging, or heat treating, or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in Spain.

Subject merchandise includes ripe olives that otherwise meet the definition above that are packaged together with non-subject products, where the smallest individual packaging unit (*e.g.,* can, pouch, jar, etc.) of any such product—regardless of whether the smallest unit of packaging is included in a larger packaging unit (*e.g.,* display case, etc.)—contains a majority (*i.e.,* more than 50 percent) of ripe olives by net drained weight. The scope does not include the non-subject components of such product.

Excluded from the scope are: (1) Specialty olives [19] (including ''Spanish-style,'' ''Sicilian-style,'' and other similar olives) that have been processed by fermentation only, or by being cured in an alkaline solution for not longer than 12 hours and subsequently fermented; and (2) provisionally prepared olives unsuitable for immediate consumption (currently classifiable in subheading 0711.20 of the Harmonized Tariff Schedule of the United States (HTSUS)).

The merchandise subject to this investigation is currently classifiable under subheadings 2005.70.0230, 2005.70.0260, 2005.70.0430, 2005.70.0460, 2005.70.5030, 2005.70.5060, 2005.70.6020, 2005.70.6030, 2005.70.6050, 2005.70.6060, 2005.70.6070, 2005.70.7000, 2005.70.7510, 2005.70.7515, 2005.70.7520, and 2005.70.7525 HTSUS. Subject merchandise may also be imported under subheadings 2005.70.0600, 2005.70.0800, 2005.70.1200, 2005.70.1600, 2005.70.1800, 2005.70.2300, 2005.70.2510, 2005.70.2520, 2005.70.2530, 2005.70.2540, 2005.70.2550, 2005.70.2560, 2005.70.9100, 2005.70.9300, and 2005.70.9700. Although HTSUS subheadings are provided for convenience and US Customs purposes, they do not define the scope of the investigation; rather, the written description of the subject merchandise is dispositive.

Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Investigation
IV. Scope Comments
V. Discussion of the Issues
Comment 1: Clarify Scope to Include Ripe Olives Contained in Cocktail Mixes
Comment 2: Particular Market Situation Allegation
Comment 3: Whether Commerce Should Apply its Differential Pricing Methodology
Comment 4: Agro Sevilla's and Camacho's Constructed Export Price Indirect Selling Expenses
Comment 5: Camacho Corrections Presented at Verification
Comment 6: Camacho Ministerial Error Regarding Mixed Currencies
Comment 7: Camacho Cost Verification Findings
Comment 8: Camacho Purchases of Olives from Affiliated Parties
Comment 9: Camacho's Plantilla Price Adjustments
Comment 10: Camacho's CEP Offset
Comment 11: Camacho's Home Market Credit Expense
Comment 12: Camacho's Revised Control Number
Comment 13: Camacho's U.S. Sales of Merchandise Manufactured by an Unaffiliated Party
Comment 14: Camacho's Margin Should Be Based on Adverse Facts Available
Comment 15: AG Minor Corrections Presented During Sales and Cost Verifications
Comment 16: AG Home Market Commission Expenses
Comment 17: AG Freight Credit
Comment 18: AG Whether Local Taxes should be included in the General and Administrative (G&A) Expenses
Comment 19: AG Unexplained Cost Reconciliation Difference
Comment 20: Whether Commerce Should Adjust AG's Reported Cost of Raw Materials to Reflect Consumption Costs versus POI Purchases
Comment 21: Classification of Machinery Depreciation Expense
Comment 22: Agro Sevilla Corrections Presented During Sales Verifications
Comment 23: Agro Sevilla's Pick-Up Adjustment Expense
Comment 24: Agro Sevilla's Unreported Pallet Revenues
Comment 25: Agro Sevilla's Total Cost of Manufacturing
Comment 26: Agro Sevilla's Financial Expenses
Comment 27: Agro Sevilla's Affiliated Purchases
VI. Recommendation

[19] Some of the major types of specialty olives and their curing methods are:

- ''Spanish-style'' green olives: Spanish-style green olives have a mildly salty, slightly bitter taste, and are usually pitted and stuffed. This style of olive is primarily produced in Spain and can be made from various olive varieties. Most are stuffed with pimento; other popular stuffings are jalapeno, garlic, and cheese. The raw olives that are used to produce Spanish-style green olives are picked while they are unripe, after which they are submerged in an alkaline solution for typically less than a day to partially remove their bitterness, rinsed, and fermented in a strong salt brine, giving them their characteristic flavor.
- ''Sicilian-style'' green olives: Sicilian-style olives are large, firm green olives with a natural bitter and savory flavor. This style of olive is produced in small quantities in the United States using a Sevillano variety of olive and harvested green with a firm texture. Sicilian-style olives are processed using a brine-cured method, and undergo a full fermentation in a salt and lactic acid brine for 4 to 9 months. These olives may be sold whole unpitted, pitted, or stuffed.
- ''Kalamata'' olives: Kalamata olives are slightly curved in shape, tender in texture, and purple in color, and have a rich natural tangy and savory flavor. This style of olive is produced in Greece using a Kalamata variety olive. The olives are harvested after they are fully ripened on the tree, and typically use a brine-cured fermentation method over 4 to 9 months in a salt brine.
- Other specialty olives in a full range of colors, sizes, and origins, typically fermented in a salt brine for 3 months or more.

[FR Doc. 2018–12991 Filed 6–15–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–520–803]

Polyethylene Terephthalate Film, Sheet and Strip From the United Arab Emirates: Partial Rescission of Antidumping Duty Administrative Review; 2016–2017

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable June 18, 2018.

FOR FURTHER INFORMATION CONTACT: Andrew Huston, Office VII, Antidumping and Countervailing Duty Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4261.

SUPPLEMENTARY INFORMATION:

Background

On November 1, 2017, the Department of Commerce (Commerce) published a notice of opportunity to request an administrative review of the antidumping duty (AD) order on polyethylene terephthalate film, sheet and strip from the United Arab Emirates, covering the period November 1, 2016, through October 31, 2017.[1] On November 30, 2018, Commerce received a timely request from the petitioners [2] for an AD administrative review of two companies: JBF RAK LLC (JBF) and Flex Middle East FZE (Flex),[3] and JBF submitted a timely request for an AD review of itself.[4] On January 11, 2018, pursuant to the requests from interested parties, Commerce published a notice of initiation of administrative review with respect to JBF and Flex.[5] On April 11, 2018, the petitioners withdrew their requests for reviews of JBF and Flex.[6]

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 82 FR 50620 (November 1, 2017).

[2] DuPont Teijin Films, Mitsubishi Polyester Film, Inc., and SKC, Inc.

[3] *See* Petitioners' letter, ''Polyethylene Terephthalate Film, Sheet, and Strip from United Arab Emirates: Request for Antidumping Duty Administrative Review,'' dated November 30, 2017.

[4] *See* JBF's letter, ''JBF RAK LLC/Request for A/D Administrative Review: Polyethylene Terephthalate Film, Sheet, and Strip from United Arab Emirates (A–520–803),'' dated November 30, 2017.

[5] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 1329 (January 11, 2018).

[6] *See* Petitioners' letter ''Withdrawal of Request for Antidumping Duty Administrative Review,'' dated April 13, 2018.

Rescission in Part

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if a party that requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. Commerce initiated the instant review on January 11, 2018, and the petitioners withdrew their request on April 11, 2018, which is within the 90-day period and is thus timely. Because the petitioners' withdrawal of their requests for review is timely and because no other party requested a review of Flex, we are rescinding this review, in part, with respect to Flex, in accordance with 19 CFR 351.213(d)(1). JBF did not withdraw its request for review of itself. As such, the instant review will continue with respect to JBF.

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. Subject merchandise produced and/or exported by Flex will be assessed antidumping duties at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period November 1, 2015, through October 31, 2016, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue assessment instructions to CBP 15 days after the date of publication of this notice.

Notification to Importers

This notice serves as a reminder to importers for whom this review is being rescinded, as of the publication date of this notice, of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping duties occurred and the subsequent increase in the amount of antidumping duties assessed.

Notification Regarding Administrative Protective Orders

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with section 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: June 12, 2018.

James Maeder,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2018–12996 Filed 6–15–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–086, A–583–864, and A–549–839]

Steel Propane Cylinders From the People's Republic of China, Taiwan, and Thailand: Initiation of Less-Than-Fair-Value Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable June 11, 2018.

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SUPPLEMENTARY INFORMATION:

The Petitions

On May 22, 2018, the U.S. Department of Commerce (Commerce) received antidumping duty (AD) petitions concerning imports of steel propane cylinders from People's Republic of China (China), Taiwan, and Thailand, and a countervailing duty (CVD) petition concerning imports of steel propane cylinders from China filed in proper form on behalf of Worthington Industries and Manchester Tank & Equipment Co. (the petitioners).[1] The

[1] *See* the petitioners' letter, ''Steel Propane Cylinders from the People's Republic of China, Taiwan, and Thailand: Petition for the Imposition of Antidumping and Countervailing Duties,'' dated May 22, 2018 (the Petitions). For the purposes of

petitioners are domestic producers of steel propane cylinders.[2]

The petitioners amended the scope of the petitions on May 24, 2018.[3] On May 25 and 31, 2018, Commerce requested supplemental information pertaining to certain areas of the petitions.[4] The petitioners filed responses to these requests on May 30 and June 1, 2018.[5]

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that imports of steel propane cylinders from China, Taiwan, and Thailand are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, the domestic industry producing steel propane cylinders in the United States. Consistent with section 732(b)(1) of the Act, the petitions are accompanied by information reasonably available to the petitioners supporting their allegations.

Commerce finds that the petitioners filed the petitions on behalf of the domestic industry because the petitioners are interested parties as defined in section 771(9)(C) of the Act. We also find that the petitioners demonstrated sufficient industry support with respect to the initiation of the AD investigations that the petitioners are requesting.[6]

Periods of Investigation

Because the petitions were filed on May 22, 2018, pursuant to 19 CFR 351.204(b)(1), the period of investigation (POI) for the Taiwan and Thailand investigations is April 1, 2017, through March 31, 2018.[7] Because China is a non-market economy (NME) country, pursuant to 19 CFR 351.204(b)(1), the POI for the China investigation is October 1, 2017, through March 31, 2018.

Scope of the Investigations

The products covered by these investigations are steel propane cylinders from China, Taiwan, and Thailand. For a full description of the scope of these investigations, *see* the Appendix to this notice.

Comments on Scope of the Investigations

During our review of the petitions, Commerce issued questions to, and received responses from, the petitioners pertaining to the proposed scope to ensure that the scope language in the petitions is an accurate reflection of the product for which the domestic industry is seeking relief.[8] As a result of these exchanges, the scope of the petitions was modified to clarify the description of merchandise covered by the petitions. The description of the merchandise covered by this initiation, as described in the Appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (scope), including comments on whether it is appropriate to refer to the subject merchandise as ''steel *propane* cylinders,'' (emphasis added) or just as ''steel cylinders,'' given that the petitioners intend to cover all products that meet the physical description of the scope regardless of whether they ultimately contain or transport compressed or liquefied propane gas.[9] Commerce will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determinations. If scope comments include factual information,[10] all such factual information should be limited to public information. To facilitate preparation of its questionnaires, Commerce requests that all interested parties submit such comments by 5:00 p.m. Eastern Time (ET) on July 2, 2018, which is the next business day after 20 calendar days from the signature date of this notice.[11] Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on July 11, 2018, which is 10 calendar days from the initial comments deadline.[12]

Commerce requests that any factual information the parties consider relevant to the scope of the investigations be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party may contact Commerce and request permission to submit the additional information. All such comments must be filed on the records of each of the concurrent AD and CVD investigations, in accordance with the filing requirements, discussed immediately below.

Filing Requirements

All submissions to Commerce must be filed electronically using Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS).[13]

the instant notice, all references to 'the Petitions' refer specifically to the AD Petitions.

[2] *See* Volume I of the Petitions, at 2–3.

[3] *See* the petitioners' letter, ''Steel Propane Cylinders from the People's Republic of China, Taiwan, and Thailand: Petitioners' Amendment to Volume I Relating to General Issues,'' dated May 24, 2018 (Scope Amendment).

[4] *See* Commerce's letters, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Steel Propane Cylinders from the People's Republic of China, Taiwan, and Thailand: Supplemental Questions'' (General Issues Supplemental Questionnaire); ''Petition for the Imposition of Antidumping Duties on Imports of Steel Propane Cylinders from the People's Republic of China: Supplemental Questions'' (China AD Supplemental Questionnaire); ''Petition for the Imposition of Antidumping Duties on Imports of Steel Propane Cylinders from Taiwan: Supplemental Questions'' (Taiwan Supplemental Questionnaire); ''Petition for the Imposition of Antidumping Duties on Imports of Steel Propane Cylinders from Thailand: Supplemental Questions'' (Thailand Supplemental Questionnaire); all four of these documents are dated May 25, 2018. *See also* memoranda, ''Petition for the Imposition of Antidumping Duties on Imports of Steel Propane Cylinders from China: Telephone Call to the Petitioners Regarding Antidumping Petition,'' and, ''Petition for the Imposition of Antidumping Duties on Imports of Steel Propane Cylinders from Thailand: Telephone Call to the Petitioners Regarding Antidumping Petition,'' both dated May 31, 2018.

[5] *See* the petitioners' letters, ''Steel Propane Cylinders from the People's Republic of China, Taiwan, and Thailand: Petitioners' Supplement to Volume I Relating to General Issues'' (General Issues Supplement); ''Steel Propane Cylinders from the People's Republic of China, Taiwan, and Thailand: Petitioners' Supplement to Volume II Related to China'' (China AD Supplement); ''Steel Propane Cylinders from the People's Republic of China, Taiwan, and Thailand: Petitioners' Supplement to Volume III Related to Taiwan'' (Taiwan AD Supplement); ''Steel Propane Cylinders from the People's Republic of China, Taiwan, and Thailand: Petitioners' Supplement to Volume IV Related to Thailand'' (Thailand AD Supplement); all four of these documents are dated May 30, 2018. *See also* the petitioners' letters, ''Steel Propane Cylinders from the People's Republic of China, Taiwan, and Thailand: Petitioners' Response Regarding the Exchange Rate Used for Thailand/Volume IV'' (Second Thailand AD Supplement) and, ''Steel Propane Cylinders from the People's Republic of China, Taiwan, and Thailand: Petitioners' Exchange Rate Response Regarding China/Volume II'' (Second China AD Supplement), each dated June 1, 2018.

[6] *See* the ''Determination of Industry Support for the Petitions'' section, *infra.*

[7] *See* 19 CFR 351.204(b)(1).

[8] *See* General Issues Supplemental Questionnaire, at 1–3 and General Issues Supplement, at 3–12.

[9] *See Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296, 27323 (May 19, 1997); *see also* General Issues Supplement, at 4 and 8–9. On June 11, 2018, the petitioners filed proposed revisions to the scope language for Commerce's consideration. *See* letter from the petitioners, ''Steel Propane Cylinders from the People's Republic of China, Taiwan, and Thailand—Amended Scope Language,'' dated June 11, 2018.

[10] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

[11] *See* 19 CFR 351.303(b).

[12] *Id.*

[13] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011); *see also Enforcement and Compliance; Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014) for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on help using ACCESS can be found at *https://access.trade.gov/*

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An electronically filed document must be received successfully in its entirety by the time and date it is due. Documents exempted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Comments on Product Characteristics for AD Questionnaires

Commerce requests comments from interested parties regarding the appropriate physical characteristics of steel propane cylinders to be reported in response to Commerce's AD questionnaires. This information will be used to identify the key physical characteristics of the merchandise under consideration in order to report the relevant costs of production accurately as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) General product characteristics, and (2) product-comparison criteria. We note that it is not always appropriate to use all product characteristics as product-comparison criteria. We base product-comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe steel propane cylinders, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, Commerce attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all product characteristics comments must be filed by 5:00 p.m. ET on July 2, 2018, which is the first business day after 20 calendar days from the signature date of this notice. Any rebuttal comments must be filed by 5:00 p.m. ET on July 11, 2018. All comments and submissions to Commerce must be filed electronically using ACCESS, as explained above, on the records of the China, Taiwan, and Thailand less-than-fair-value investigations.

Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers, as a whole, of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,[14] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[15]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioners do not offer a definition of the domestic like product distinct from the scope of the investigations.[16] Based on our analysis of the information submitted on the record, we have determined that steel propane cylinders, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[17]

In determining whether the petitioners have standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in the Appendix to this notice. To establish industry support, the petitioners provided their own production of the domestic like product in 2017.[18] The petitioners state that there are no other known producers of steel propane cylinders in the United States; therefore, the petitions are supported by 100 percent of the U.S. industry.[19]

Our review of the data provided in the petitions and other information readily available to Commerce indicates that the petitioners have established industry support for the petitions.[20] First, the petitions established support from

help.aspx and a handbook can be found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

[14] *See* section 771(10) of the Act.

[15] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[16] *See* Volume I of the Petitions, at 10–12; *see also* General Issues Supplement, at 13–18.

[17] For a discussion of the domestic like product analysis as applied to these cases and information regarding industry support, *see* Attachment II, ''Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Steel Propane Cylinders from the People's Republic of China, Taiwan, and Thailand'' (Attachment II) of the following Antidumping Duty Investigation Initiation Checklists: ''Steel Propane Cylinders from the People's Republic of China'' (China AD Initiation Checklist); ''Antidumping Duty Investigation Initiation Checklist: Steel Propane Cylinders from Taiwan'' (Taiwan AD Initiation Checklist); and ''Antidumping Duty Investigation Initiation Checklist: Steel Propane Cylinders from Thailand'' (Thailand AD Initiation Checklist) (collectively, AD Initiation Checklists). These checklists are dated concurrently with this notice and on file electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central Records Unit, Room B8024 of the main Department of Commerce building.

[18] *See* Volume I of the Petitions, at 3–4 and Exhibit GEN–2.

[19] *Id.* at 3–4 and Exhibits GEN–1 and GEN–2. For further discussion, *see* AD Initiation Checklists, at Attachment II.

[20] *Id.*

domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.,* polling).[21] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the petitions account for at least 25 percent of the total production of the domestic like product.[22] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petitions.[23] Accordingly, Commerce determines that the petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

Commerce finds that the petitioners filed the petitions on behalf of the domestic industry because they are interested parties as defined in section 771(9)(C) of the Act, and they have demonstrated sufficient industry support with respect to the AD investigations that they are requesting that Commerce initiate.[24]

Allegations and Evidence of Material Injury and Causation

The petitioners allege that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at less than normal value (NV). In addition, the petitioners allege that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[25]

The petitioners contend that the industry's injured condition is illustrated by a significant and increasing volume of imports from the subject countries; the domestic industry's reduced market share; underselling and price depression or suppression; a negative impact on the domestic industry's production, shipments, capacity utilization, and financial performance; and lost sales and revenues.[26] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[27]

Allegations of Sales at Less Than Fair Value

The following is a description of the allegations of sales at less than fair value upon which Commerce based its decision to initiate AD investigations of imports of steel propane cylinders from China, Taiwan, and Thailand. The sources of data for the deductions and adjustments relating to U.S. price and NV are discussed in greater detail in the country-specific initiation checklists.

Export Price

For China and Thailand, the petitioners based export price (EP) on pricing information for steel propane cylinders produced in, and exported from, those countries and sold or offered for sale in the United States.[28] For China, the petitioners also based EP on the average unit values (AUVs) of publicly-available import data.[29] For Taiwan, the petitioners based EP on the AUV of publicly-available import data.[30]

Where appropriate, the petitioners made deductions from U.S. price for movement and other expenses consistent with the terms of sale.[31]

Normal Value

For Taiwan and Thailand, the petitioners based normal value (NV) on home market prices obtained through market research for steel propane cylinders produced in and sold, or offered for sale in each country within the proposed POI.[32] The petitioners calculated net home market prices, adjusting as appropriate for delivery terms and other price adjustments.[33] For Taiwan and Thailand, the petitioners provided information indicating that the prices were below the cost of production (COP), and therefore, the petitioners also calculated NV based on constructed value (CV).[34] For further discussion of COP and NV based on CV, *see* the section ''Normal Value Based on Constructed Value'' below.[35]

With respect to China, Commerce considers China to be an NME country.[36] In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by Commerce. Therefore, we continue to treat China as an NME country for purposes of the initiation of this investigation. Accordingly, NV in China is appropriately based on factors of production (FOPs) valued in a surrogate market economy country, in accordance with section 773(c) of the Act.[37]

The petitioners claim that Thailand is an appropriate surrogate country for China because it is a market economy country that is at a level of economic development comparable to that of China and it is a significant producer of identical merchandise.[38] The petitioners provided publicly-available information from Thailand to value all FOPs and derive surrogate financial ratios.[39] Therefore, based on the information provided by the petitioners, we determine that it is appropriate to use Thailand as the primary surrogate country for initiation purposes.

Interested parties will have the opportunity to submit comments regarding surrogate country selection and, pursuant to 19 CFR 351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value FOPs within 30 days before the scheduled date of the preliminary determination.

[21] *Id.; see also* section 732(c)(4)(D) of the Act.

[22] *See* AD Initiation Checklists, at Attachment II.

[23] *Id.*

[24] *Id.*

[25] *See* Volume I of the Petitions, at 13–14 and Exhibit GEN–1.

[26] *Id.,* at 9–25 and Exhibits GEN–1, GEN–7 through GEN–15; *see also* General Issues Supplement at 3 and Exhibit GEN–Supp–2.

[27] *See* AD Initiation Checklists, at Attachment III, ''Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Steel Propane Cylinders from the People's Republic of China, Taiwan, and Thailand'' (Attachment III).

[28] *See* China AD Initiation Checklist and Thailand AD Initiation Checklist.

[29] *See* China AD Initiation Checklist.

[30] *See* Taiwan AD Initiation Checklist.

[31] *See* AD Initiation Checklists.

[32] *See* Taiwan AD Initiation Checklist and Thailand AD Initiation Checklist.

[33] *Id.*

[34] *Id.*

[35] In accordance with section 505(a) of the Trade Preferences Extension Act of 2015, amending section 773(b)(2) of the Act, for this investigation, Commerce will request information necessary to calculate the CV and cost of production (COP) to determine whether there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that represent less than the COP of the product. Commerce no longer requires a COP allegation to conduct this analysis.

[36] *See Antidumping Duty Investigation of Certain Aluminum Foil from the People's Republic of China: Affirmative Preliminary Determination of Sales at Less-Than-Fair Value and Postponement of Final Determination,* 82 FR 50858, 50861 (November 2, 2017), and accompanying decision memorandum, *China's Status as a Non-Market Economy,* unchanged in *Certain Aluminum Foil from the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 83 FR 9282 (March 5, 2018).

[37] *See* China AD Initiation Checklist.

[38] *See* Volume II of the Petitions, at 10–12.

[39] *Id.,* at Exhibit AD–PRC–5 (A–G), and China AD Supplement Exhibit AD–PRC–Supp–4–G.

Factors of Production

Because information regarding the volume of inputs consumed by producers/exporters in China was not reasonably available, the petitioners relied on their own product-specific consumption rates to estimate the FOPs for the manufactuers in China.[40] The petitioners valued the estimated FOPs using surrogate values from Thailand, as noted above.[41] The petitioners used the average POI exchange rate to convert the data to U.S. dollars.[42] The petitioners relied upon the financial statements of three Thai producers of steel propane cylinders, to value overhead; selling, general, and administrative (SG&A) expenses; and profit.[43]

Normal Value Based on Constructed Value

As noted above, for Taiwan and Thailand, the petitioners obtained home market prices but demonstrated that these prices were below the COP during the POI; therefore, the petitioners also based NV on CV pursuant to section 773(a)(4) of the Act. Pursuant to section 773(e) of the Act, CV consists of the cost of manufacturing (COM); SG&A expenses; financial expenses; profit; and packing expenses.

For Taiwan, the petitioners calculated the COM based on a domestic producer's own input factors of production and usage rates for raw materials, labor, energy, and packing.[44] The petitioners valued the input factors of production using publicly available data on costs specific to Taiwan, during the proposed POI.[45] Specifically, the petitioners based prices for raw material and packing inputs on publicly available import data for Taiwan.[46] The petitioners valued labor and energy costs using publicly available sources for Taiwan.[47] The petitioners calculated factory overhead, SG&A, financial expenses, and profit for Taiwan based on the experience of producers in Taiwan of comparable merchandise (*e.g.,* light steel frames, fire-proof doors, various machines, metal building structure assembly, steel wire products, other metalwork, *etc.*).[48]

For Thailand, the petitioners calculated the COM based on the domestic producers' own input factors of production and usage rates for raw materials, labor, energy, and packing.[49] The petitioners valued input factors of production using publicly available data on costs specific to Thailand, during the proposed POI.[50] Specifically, the petitioners based the prices for raw material and packing inputs on publicly available import data for Thailand.[51] The petitioners valued labor and energy costs using publicly available sources for Thailand.[52] The petitioners calculated factory overhead, SG&A (including financial expenses), and profit for Thailand based on the experience of a Thai producer of steel propane cylinders.[53]

Fair Value Comparisons

Based on the data provided by the petitioners, there is reason to believe that imports of steel propane cylinders from China, Taiwan, and Thailand are being, or are likely to be, sold in the United States at less than fair value. Based on comparisons of EP to NV in accordance with sections 772 and 773 of the Act, the estimated dumping margins for steel propane cylinders for each of the countries covered by this initiation are as follows: (1) China: 55.41 to 108.60 percent;[54] (2) Taiwan: 27.19 to 66.20 percent;[55] and (3) Thailand: 47.67 to 122.48 percent.[56]

Initiation of Less-Than-Fair-Value Investigations

Based upon the examination of the petitions, we find that the petitions meet the requirements of section 732 of the Act. Therefore, we are initiating AD investigations to determine whether imports of steel propane cylinders from China, Taiwan, and Thailand are being, or are likely to be, sold in the United States at less than fair value. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 140 days after the date of this initiation.

Respondent Selection

The petitions named ten companies in China, eleven companies in Taiwan, and four companies in Thailand as producers/exporters of steel propane cylinders.[57] Following standard practice in AD investigations involving market economy countries, in the event Commerce determines that the number of companies is large and it cannot individually examine each company based upon Commerce's resources, where appropriate, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports of steel propane cylinders from Taiwan and Thailand during the POI under the appropriate Harmonized Tariff Schedule of the United States numbers listed in the ''Scope of the Investigations,'' in the Appendix.

We also intend to release the CBP data under Administrative Protective Order (APO) to all parties with access to information protected by APO on the record within five business days of publication of this **Federal Register** notice. Comments regarding the CBP data and respondent selection should be submitted seven calendar days after the placement of the CBP data on the record of these investigations. Parties wishing to submit rebuttal comments should submit those comments five calendar days after the deadline for the initial comments. Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on Commerce's website at *http://enforcement.trade.gov/apo.*

All respondent selection comments must be filed electronically using ACCESS. An electronically-filed document must be received successfully, in its entirety, by Commerce's electronic records system, ACCESS, no later than 5:00 p.m. ET on the dates noted above. We intend to make our decisions regarding respondent selection within 20 days of publication of this notice.

With respect to respondent selection for China, we intend to issue quantity and value (Q&V) questionnaires to producers/exporters of merchandise under consideration in accordance with our standard practice for respondent selection in AD cases involving NME countries. In the event Commerce determines that it cannot individually examine each company, where appropriate, Commerce intends to select mandatory respondents based on the responses received. For the China investigation, Commerce will request Q&V information from known exporters and producers identified with complete contact information in the petitions. In addition, Commerce will post the Q&V questionnaires along with filing instructions on Enforcement and Compliance's website at *http://www.trade.gov/enforcement/news.asp.*

[40] *See* China AD Initiation Checklist.

[41] *Id.*

[42] *Id.*

[43] *Id.*

[44] *See* Taiwan AD Initiation Checklist.

[45] *Id.*

[46] *Id.*

[47] *Id.*

[48] *Id.*

[49] *See* Thailand AD Initiation Checklist.

[50] *Id.*

[51] *Id.*

[52] *Id.*

[53] *Id.*

[54] *See* China AD Initiation Checklist.

[55] *See* Taiwan AD Initiation Checklist.

[56] *See* Thailand AD Initiation Checklist.

[57] *See* Volume I of the Petitions, at 9 and Exhibit GEN–7.

Producers/exporters of steel propane cylinders from China that do not receive Q&V questionnaires by mail may still submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from Enforcement & Compliance's website. The Q&V response must be submitted by the relevant exporters/producers in China no later than 5:00 p.m. ET on June 25, 2018, which is two weeks from the signature date of this notice. All Q&V responses must be filed electronically via ACCESS.

Separate Rates

In order to obtain separate-rate status in an NME investigation, exporters and producers must submit a separate-rate application. The specific requirements for submitting a separate-rate application in this investigation are outlined in detail in the application itself, which is available on Commerce's website at *http://enforcement.trade.gov/nme/nme-sep-rate.html.* The separate-rate application will be due 30 days after publication of this initiation notice. Exporters and producers who submit a separate-rate application and have been selected as mandatory respondents will be eligible for consideration for separate-rate status only if they respond to all parts of Commerce's AD questionnaire as mandatory respondents. Commerce requires that companies from China submit a response to both the Q&V questionnaire and the separate-rate application by the respective deadlines in order to receive consideration for separate-rate status. Companies not filing a timely Q&V response will not receive separate-rate consideration.

Use of Combination Rates

Commerce will calculate combination rates for certain respondents that are eligible for a separate rate in an NME investigation. The Separate Rates and Combination Rates Bulletin states:

{w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME Investigation will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of ''combination rates'' because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question and produced by a firm that supplied the exporter during the period of investigation.[58]

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A)(i) of the Act and 19 CFR 351.202(f), copies of the public version of the petitions have been provided to the governments of China, Taiwan, and Thailand *via* ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the petitions to each exporter named in the petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the petitions were filed, whether there is a reasonable indication that imports of steel propane cylinders from China, Taiwan, and/or Thailand are materially injuring, or threatening material injury to, a U.S. industry.[59] A negative ITC determination for any country will result in the investigation being terminated with respect to that country.[60] Otherwise, the investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Any party, when submitting factual information, must specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted[61] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[62] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Parties should review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these investigations.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[63] Parties must use the certification formats provided in 19 CFR 351.303(g).[64] Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On

[58] *See* Policy Bulletin 05.1 at 6 (emphasis added).

[59] *See* section 733(a) of the Act.

[60] *Id.*

[61] *See* 19 CFR 351.301(b).

[62] *See* 19 CFR 351.301(b)(2).

[63] *See* section 782(b) of the Act.

[64] *See also Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*). Answers to frequently asked questions regarding the *Final Rule* are available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

January 22, 2008, Commerce published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in these investigations should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: June 11, 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—Scope of the Investigations

The merchandise covered by these investigations is steel cylinders for compressed or liquefied propane gas (steel propane cylinders) meeting the requirements of, or produced to meet the requirements of, U.S. Department of Transportation (USDOT) Specifications 4B, 4BA, or 4BW, or Transport Canada Specification 4BM, 4BAM, or 4BWM, or United Nations pressure receptacle standard ISO 4706. The scope includes steel propane cylinders regardless of whether they have been certified to these specifications before importation. Steel propane cylinders range from 2.5 pound nominal gas capacity (approximate 6 pound water capacity and approximate 4–6 pound tare weight) to 42 pound nominal gas capacity (approximate 100 pound water capacity and approximate 28–32 pound tare weight). Steel propane cylinders have two or fewer ports and may be imported assembled or unassembled (*i.e.,* welded or brazed before or after importation), with or without all components (including collars, valves, gauges, tanks, foot rings, and overfill prevention devices), and coated or uncoated. Also included within the scope are drawn cylinder halves, unfinished propane cylinders, collars, and foot rings for steel propane cylinders.

An ''unfinished'' or ''unassembled'' propane cylinder includes drawn cylinder halves that have not been welded into a cylinder, cylinders that have not had flanges welded into the port hole(s), cylinders that are otherwise complete but have not had collars or foot rings welded to them, otherwise complete cylinders without a valve assembly attached, and cylinders that are otherwise complete except for testing, certification, and/or marking.

These investigations also cover steel propane cylinders that meet, are produced to meet, or are certified as meeting, other U.S. or Canadian government, international, or industry standards (including, for example, American Society of Mechanical Engineers (ASME), or American National Standard Institute (ANSI)), if they also meet, are produced to meet, or are certified as meeting USDOT Specification 4B, 4BA, or 4BW, or Transport Canada Specification 4BM, 4BAM, or 4BWM, or a United Nations pressure receptacle standard ISO 4706.

Subject merchandise also includes steel propane cylinders that have been further processed in a third country, including but not limited to, attachment of collars, foot rings, or handles by welding or brazing, heat treatment, painting, testing, certification, or any other processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the country of manufacture of the in-scope steel propane cylinders.

Specifically excluded are seamless steel propane cylinders and propane cylinders made from stainless steel (*i.e.,* steel containing at least 10.5 percent chromium by weight and less than 1.2 percent carbon by weight), aluminum, or composite fiber material. Composite fiber material is material consisting of the mechanical combination of two components: Fiber (typically glass, carbon, or aramid (synthetic polymer)) and a matrix material (typically polymer resin, ceramic, or metallic).

The merchandise subject to these investigations is properly classified under statistical reporting numbers 7311.00.0060 and 7311.00.0090 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS statistical reporting numbers are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

[FR Doc. 2018–12989 Filed 6–15–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–823–810]

Solid Agricultural Grade Ammonium Nitrate From Ukraine: Final Results of Sunset Review and Revocation of Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On May 1, 2018, the Department of Commerce (Commerce) initiated the sunset review of the antidumping duty order on solid agricultural grade ammonium nitrate from Ukraine. Because the domestic interested parties did not participate in this sunset review, Commerce is revoking this antidumping duty order.

FOR FURTHER INFORMATION CONTACT: Robert Brown, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone (202) 482–3702.

SUPPLEMENTARY INFORMATION: On September 12, 2001, Commerce issued an antidumping duty order on solid grade ammonium nitrate from Ukraine.[1] On June 12, 2013, Commerce published its most recent continuation of the order.[2] On May 1, 2018, Commerce initiated a sunset review of this order.[3]

We did not receive a notice of intent to participate from domestic interested parties in this sunset review. As a result, in accordance with 19 CFR 351.218(d)(1)(iii)(A), Commerce determined that no domestic interested party intends to participate in the sunset review, and on May 18, 2018, notified the International Trade Commission, in writing, that we intended to issue a final determination revoking this antidumping duty order.[4]

Scope of the Order: The products covered by this antidumping duty order are solid, fertilizer grade ammonium nitrate (''ammonium nitrate'' or ''subject merchandise'') products, whether prilled, granular or in other solid form, with or without additives or coating, and with a bulk density equal to or greater than 53 pounds per cubic foot. Specifically excluded from the scope is solid ammonium nitrate with a bulk density less than 53 pounds per cubic foot (commonly referred to as industrial or explosive grade ammonium nitrate). The subject merchandise is currently classifiable under subheading 3102.30.00.00 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Determination To Revoke: Pursuant to section 751(c)(3)(A) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.218(d)(1)(iii)(B)(3), if no domestic interested party files a notice of intent to participate, Commerce shall, within 90 days after the initiation of the review, issue a final determination revoking the order. Because no domestic interested party filed a notice of intent to participate in this sunset review, Commerce finds that no domestic interested party is participating in this sunset review. Therefore, consistent with 19 CFR 351.222(i)(2)(i) and section 751(c)(3)(A) of the Act, we are revoking this antidumping duty order.

Effective Date of Revocation: The effective date of revocation is June 12,

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[1] *See Antidumping Duty Order: Solid Agricultural Grade Ammonium Nitrate from Ukraine,* 66 FR 47451 (September 12, 2001).

[2] *See Solid Agricultural Grade Ammonium Nitrate from Ukraine: Continuation of Antidumping Duty Order,* 78 FR 35258 (June 12, 2013).

[3] *See Initiation of Five-Year (''Sunset'') Review,* 83 FR 19051 (May 1, 2018).

[4] *See Letter to Director, Office of Investigations, International Trade Commission, ''Sunset Reviews Initiated on May 1, 2018,''* dated May 18, 2018.

2018, the fifth anniversary of the date of publication in the **Federal Register** of the most recent notice of continuation of this antidumping duty order. Pursuant to section 751(c)(3)(A) of the Act and 19 CFR 351.222(i)(2)(i), Commerce intends to issue instructions to U.S. Customs and Border Protection, 15 days after the publication of this notice, to terminate the suspension of liquidation of the merchandise subject to this order entered, or withdrawn from warehouse, on or after June 12, 2018. Entries of subject merchandise prior to the effective date of revocation will continue to be subject to suspension of liquidation and antidumping duty deposit requirements. Commerce will complete any pending administrative reviews of this order and will conduct administrative reviews of subject merchandise entered prior to the effective date of revocation in response to appropriately filed requests of review.

This five-year (sunset) review and notice are published in accordance with sections 751(c) and 777(i)(1) of the Act.

Dated: June 12, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2018–12995 Filed 6–15–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–827]

Certain Cased Pencils From the People's Republic of China: Rescission of Antidumping Duty Administrative Review; 2016–2017

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the antidumping duty order on certain cased pencils (pencils) from the People's Republic of China (China) for the period of review (POR) December 1, 2016, through November 30, 2017.

DATES: Applicable June 18, 2018.

FOR FURTHER INFORMATION CONTACT: Sergio Balbontin, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6478.

SUPPLEMENTARY INFORMATION:

Background

On December 4, 2017, Commerce published a notice of opportunity to request an administrative review of the antidumping duty order on pencils from China for the POR December 1, 2016, through November 30, 2016.[1]

On December 29, 2017, Dixon Ticonderoga Company (the petitioner) requested an administrative review of the order with respect to entries of subject merchandise made by Shandong Rongxin Import & Export Co., Ltd. (Rongxin), Wah Yuen Stationery Co. Ltd., and any affiliated entities including but not limited to Shandong Wah Yuen Stationery Co. Ltd. and Tianjin Tonghe Stationery Co. Ltd. (collectively, the Wah Yuen entity).[2] On January 2, 2018, Orient International Holding Shanghai Foreign Trade Co., Ltd. (SFTC) requested an administrative review of itself.[3] On February 23, 2018, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.221(c)(1)(i), we initiated an administrative review with respect to (1) Rongxin, (2) the Wah Yuen entity, and (3) SFTC.[4] On April 9, 2018, SFTC withdrew its request for an administrative review.[5] On May 23, 2018, the petitioner withdrew its request for an administrative review of Rongxin and the Wah Yuen entity.[6] No other party requested an administrative review of this order.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party that requested the review withdraws its request within 90 days of the publication of the notice of initiation of the requested review. In this case, SFTC and the petitioner timely withdrew their requests by the 90-day deadline and no other party requested an administrative review of the antidumping duty order. Therefore, we are rescinding the administrative review of the antidumping duty order on pencils from China for the POR December 1, 2016, through November 30, 2017, in its entirety, in accordance with 19 CFR 351.213(d)(1).

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of pencils from China during the POR at rates equal to the cash deposit rate of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP 15 days after the date of publication of this notice in the **Federal Register**.

Notification to Importers

This notice serves as the only reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 82 FR 57219 (December 4, 2017).

[2] *See* Petitioner's Letter, ''Certain Cased Pencils from the People's Republic of China: Request for Administrative Review,'' dated December 29, 2017.

[3] *See* SFTC's Letter, ''Request for Administrative Review of the Antidumping Duty Order on Certain Cased Pencils from the People's Republic of China, A–570–827,'' dated January 2, 2018.

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 8058 (February 23, 2018) (*Initiation Notice*).

[5] *See* SFTC's Letter, ''Orient International Holding Shanghai Foreign Trade Co., Ltd.'s Withdrawal of Request for Review: Administrative Review of the Antidumping Duty Order on Cased Pencils from the People's Republic of China,'' dated April 9, 2018.

[6] *See* Petitioner's Letter, ''Certain Cased Pencils from the People's Republic of China: Withdrawal of Request for Administrative Review,'' dated May 23, 2018.

Dated: June 12, 2018.

James Maeder,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty.

[FR Doc. 2018–12997 Filed 6–15–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG221

Endangered and Threatened Species: Take of Anadromous Fish

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

ACTION: Notice. Application for one new Enhancement of Survival Permit under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended.

SUMMARY: NMFS has received an application for a new Enhancement of Survival Permit and a request for entry into an associated proposed Safe Harbor Agreement (Agreement) between the applicant and NMFS. The proposed Enhancement of Survival Permit and Agreement are intended to promote the survival and recovery of Central California Coast (CCC) coho salmon (*Oncorhynchus kisutch*) and CCC steelhead (*O. mykiss*) listed as endangered and threatened, respectively, under the Endangered Species Act (ESA). Information NMFS received as a part of the application is available upon request by contacting the NMFS West Coast Region (WCR) at its California Coastal Office in Santa Rosa, California (see **FOR FURTHER INFORMATION CONTACT**).

DATES: Comments or requests for a public hearing on the action proposed in the application or related matters must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific standard time on July 18, 2018.

ADDRESSES: You may submit comments on this document and requests for a public hearing by any of the following methods. Please identify comments as relating to the ''Kellogg Ranch Safe Harbor Agreement.''

Electronic Submissions: Submit all electronic comments via the Federal Rulemaking Portal. Go to *http://www.regulations.gov/,* click the ''Comment Now!'' icon, complete the required fields, and enter, or attach your comments.

Mail, Email, Fax: Submit written comments and requests for a public hearing to California Coastal Office, NMFS WCR, 777 Sonoma Avenue Room 325, Santa Rosa, CA 95404. Comments and requests may also be submitted via fax to (707) 578–3435 or by email to *WCR-KelloggSHA.comments@noaa.gov.*

Instructions: Comments sent by any other methods, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are part of the public record, and will generally be posted for public viewing on *http://www.regulations.gov* without change. All personally identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Dan Wilson, Santa Rosa, CA (Phone: (707) 578–8555, Fax: (707) 825–4840, email: *WCRKelloggRanchSHA.comments@noaa.gov*)

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

The proposed Enhancement of Survival Permit and Agreement are intended to promote the survival and recovery of endangered CCC coho salmon and threatened CCC steelhead.

Authority

Enhancement of Survival Permits are issued in accordance with section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et seq.*), and regulations governing ESA-listed fish and wildlife permits (50 CFR parts 222–227). NMFS issues permits based on findings that such permits: (1) Were applied for in good faith; (2) if granted and exercised would not operate to the disadvantage of the listed species that are the subject of the permit; and (3) are consistent with the purposes and policy set forth in section 2 of the ESA. The authority to take listed species is subject to conditions set forth in the permits.

Under a Safe Harbor Agreement, participating landowners voluntarily undertake management activities on their property to enhance, restore, or maintain habitat benefiting species listed under the ESA. Safe Harbor Agreements, and the subsequent Enhancement of Survival Permits that are issued pursuant to section 10(a)(1)(A) of the ESA, encourage private and other non-Federal property owners to implement conservation efforts for listed species by assuring property owners that they will not be subjected to increased property-use restrictions as a result of their efforts to attract listed species to their property and increase the numbers or distribution of these species already on their property. Application requirements and issuance criteria for Enhancement of Survival Permits through Safe Harbor Agreements are found in 50 CFR 222.308(b), 222.308(c), and the Announcement of Final Safe Harbor Policy published on June 17, 1999 (64 FR 32717). These permits allow any necessary future incidental take of covered species above the mutually agreed-upon baseline conditions for those species in accordance with the terms and conditions of the permits and accompanying agreements.

An interested party may submit data, views, arguments, or a request for a hearing with respect to the action proposed in the application or related matters. Anyone requesting a hearing on a matter pursuant to this notice should set out the specific reasons why a hearing on that matter would be appropriate (see **ADDRESSES**). Such hearings are held at the discretion of the Assistant Administrator for Fisheries, NMFS.

Applications Received

Permit 22228

Ms. Barbara Banke, Trustee of Barbara R. Banke Revocable Trust, (Applicant) is requesting an Enhancement of Survival Permit and approval of an associated proposed Agreement that was developed by NMFS and the Applicant. The Enhancement of Survival Permit will facilitate implementation of the Agreement that is expected to promote the recovery of the covered species on non-Federal property within the Yellowjacket Creek and Kellogg Creek on the Applicant's Kellogg Ranch. Yellowjacket Creek and Kellogg Creek are tributaries to Redwood Creek, thence Maacama Creek, thence the Russian River in Sonoma County, California.

The proposed duration of the Agreement and the associated Enhancement of Survival Permit is 25 years. The proposed Enhancement of Survival Permit would authorize the incidental taking of CCC coho salmon and CCC steelhead that may be associated with covered activities including beneficial management activities, routine land use activities, and the potential future return of the

enrolled property to baseline conditions at the end of the Agreement, as defined in the Agreement. The Agreement specifies the beneficial management activities to be carried out on the enrolled property, and schedule for implementing those activities. The Agreement is expected to promote the recovery of CCC coho salmon and CCC steelhead within the Applicant's Kellogg Ranch.

The Agreement requires that the Applicant maintain baseline condition for the covered species habitat on the enrolled property. NMFS has reviewed the baseline condition for the enrolled property as it is defined in the Agreement. The Agreement also contains a monitoring component that requires the Applicant to ensure compliance with the terms and conditions of the Agreement, and that the baseline levels of habitat for the covered species occurs on the enrolled property. Results of the monitoring efforts will be provided to NMFS by the Applicant in an annual report for the duration of the 25-year permit term.

Upon approval of this Agreement, and consistent with the NMFS's Safe Harbor Policy, NMFS will issue an Enhancement of Survival Permit to the Applicant. The Enhancement of Survival Permit will authorize the Applicant to take CCC coho salmon and CCC steelhead incidental to the implementation of the covered activities specified in the Agreement, incidental to other lawful uses of the enrolled property, and to return to baseline conditions if desired at the end of the Agreement. In addition to meeting other criteria, actions to be performed under the Enhancement of Survival Permit must not jeopardize the existence of Federally listed species.

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the application, associated documents, and comments submitted to determine whether the application meets the requirements of section 10(a) of the ESA and Federal regulations. The final permit decision will not be made until after the end of the 30-day comment period. NMFS will publish notice of its final action in the **Federal Register**.

Dated: June 12, 2018.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2018–12916 Filed 6–15–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Post Patent Public Submissions

ACTION: Proposed collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995, invites comments on a proposed extension of an existing information collection; 0651–0067: Post Patent Public Submissions.

DATES: Written comments must be submitted on or before August 17, 2018.

ADDRESSES: You may submit comments by any of the following methods:

- *Email: InformationCollection@uspto.gov.* Include ''0651–0067 comment'' in the subject line of the message.
- *Federal Rulemaking Portal: http://www.regulations.gov.*
- *Mail:* Marcie Lovett, Records and Information Governance Division Director, Office of the Chief Technology Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Raul Tamayo, Senior Legal Advisor, Office of Patent Legal Administration, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–7728; or by email to *Raul.Tamayo@uspto.gov* with ''0651–0067 comments'' in the subject line. Additional information about this collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

The United States Patent and Trademark Office (USPTO) is required by 35 U.S.C. 131 to examine an application for patent and, when appropriate, issue a patent. The provisions of 35 U.S.C. 301 and 37 CFR 1.501 govern the ability of a person to submit into the file of an issued patent (1) prior art consisting of patents or printed publications which the person making the submission believes to have a bearing on the patentability of any claim of the issued patent and (2) statements of the owner of the issued patent filed in a proceeding before a Federal court or the USPTO in which the owner of the issued patent took a position on the scope of any claim of the issued patent.

The public may use this information collection to aid in ascertaining the patentability and/or scope of the claims of the issued patent. The USPTO may use this information during subsequent reissue or reexamination proceedings. The USPTO's use of the statements of the patent owners ((2) above) will be limited to determining the meaning of a patent claim in *ex parte* reexamination proceedings that already have been ordered and in *inter partes* review and post grant review proceedings that already have been instituted.

II. Method of Collection

Electronically via the USPTO's electronic filing system (EFS–Web). By facsimile, mail or hand delivery, if the submitter chooses to submit the information in paper form.

III. Data

OMB Number: 0651–0067.

IC Instruments and Forms: PTO/SB/42.

Type of Review: Extension of a Currently Existing Collection.

Affected Public: Individuals or households; businesses or other for-profits; and not-for-profit institutions.

Estimated Number of Respondents: 100 response per year.

Estimated Time per Response: The USPTO estimates that it will take the public 10 hours to respond to the items in this collection. This includes the time to gather the necessary information, create the document, and submit the completed request to the USPTO.

Estimated Total Annual Respondent Burden Hours: 1,000 hours.

Estimated Total Annual Respondent (Hour) Cost Burden: $438,000. The USPTO expects that attorneys will completed the instruments associated with this information collection. The professional hourly rate for intellectual property attorneys in private firms is $438. Using this hourly rate, the USPTO estimates that the total respondent cost burden for this collection is $438,000 per year.

IC No.	Item	Time for response (hours) (a)	Responses (b)	Annual burden (c) (a) × (b)	Rate (d)	Hourly cost (e) (c) × (d)
1	Electronic Information Disclosure Citation in a Patent.	10	98	980	$438.00	$429,240.00
1	Information Disclosure Citation in a Patent	10	2	20	438.00	8,760.00
Total			100	1,000		438,000.00

Estimated Total Annual (Non-hour) Respondent Cost Burden: $11.50. There are no capital startup, maintenance or operating costs, or filing fees associated with this information collection.

There are postage costs associated with this information collection. Customers may incur postage costs when submitting the information in this collection to the USPTO by mail. The USPTO expects that approximately 98 percent of the responses in this collection will be submitted electronically via the USPTO's electronic filing system (EFS–Web). The USPTO is estimating that all of the submissions in this collection that are not submitted electronically will be submitted by mail, for a total of 2 mailed submissions. The average first clast postage cost for a one-pound mailed submission in a flat rate envelope will be $5.75, and the USPTO is estimating that none of the mailed submissions will exceed one pound. Therefore, the USPTO estimates that the postage costs for the mailed submissions in this collection will be $11.50.

IV. Request for Comments

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection. They will also become a matter of public record.

Comments are invited on:

(a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

(b) The accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on respondents, *e.g.,* the use of automated collection techniques or other forms of information technology.

Marcie Lovett,

Records and Information Governance Division Director, OCTO United States Patent and Trademark Office.

[FR Doc. 2018–13023 Filed 6–15–18; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Exclusive Patent License; Integrated Composite Construction Systems, LLC

AGENCY: Department of the Navy, DoD.

ACTION: Notice; correction.

SUMMARY: The Department of the Navy published a document in the **Federal Register** on February 27, 2018, announcing an intent to grant to Integrated Composite Construction Systems, LLC, a revocable, nonassignable, exclusive license. The scope of the intent to license has been revised.

FOR FURTHER INFORMATION CONTACT: Amanda Horansky McKinney, Head, Technology Transfer Office, NRL Code 1004, 4555 Overlook Avenue SW, Washington, DC 20375–5320, telephone 202–767–1644. Due to U.S. Postal delays, please fax 202–404–7920, email: *techtran@research.nrl.navy.mil* or use courier delivery to expedite response.

Correction

In the **Federal Register** of February 27, 2018, make the following revision:

1. In the first and second column, on page 8462, revise the **SUMMARY** caption to read as follows:

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Integrated Composite Construction Systems, LLC., a revocable, nonassignable, exclusive license to practice in the field of use of fabrication of silicon carbide nanoparticles and nanorods for use in high performance concrete, in the United States, the Government-owned invention described in U.S. Patent No. 9,120,679: Silicon Carbide Synthesis, Navy Case No. 101,536.//U.S. Patent No. 9,051,186: Silicon Carbide Synthesis from Agricultural Waste, Navy Case No. 101,536.//and any continuations, divisionals, or re-issues thereof.

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than July 3, 2018.

Dated: June 12, 2018.

E.K. Baldini,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2018–12980 Filed 6–15–18; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[Docket ID ED–2017–IES–0150]

Privacy Act of 1974; System of Records

AGENCY: Institute of Education Sciences, Department of Education.

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (Privacy Act), the Department of Education (Department) publishes this notice of a new system of records entitled ''Impact Evaluation of Academic Language Intervention (18–13–43).'' This system contains individually identifying information provided by individuals and school districts that participate in the impact evaluation. The information in this system will be used to conduct a rigorous study of the effectiveness of an academic language intervention on English Learner (EL) students' and disadvantaged non-EL students' language and reading skills.

DATES: Submit your comments on this new system of records notice on or before July 18, 2018.

This new system of records will become applicable upon publication in

the **Federal Register** on June 18, 2018, unless the new system of records notice needs to be changed as a result of public comment. The routine uses listed under ''ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES'' will become applicable on July 18, 2018, unless the new system of records notice needs to be changed as a result of public comment. The Department will publish any significant changes to the system of records or routine uses that result from public comment.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under the ''help'' tab.
- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about this new system of records, address them to: Teresa Cahalan, SORN coordinator, Institute of Education Sciences, U.S. Department of Education, Potomac Center Plaza, 550 12th Street SW, Room 4126, Washington, DC 20202.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Teresa Cahalan, SORN coordinator, Institute of Education Sciences, U.S. Department of Education, Potomac Center Plaza, 550 12th Street SW, Room 4126, Washington, DC 20202 or by email at *IES_SORN@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:

Introduction:

The information in this system will be used to conduct a rigorous study of the effectiveness of an academic language intervention on EL students' and disadvantaged non-EL students' language and reading skills.

The study will address the following central research questions: What is the impact of the academic language intervention on student achievement? What is the impact of the academic language intervention on classroom instruction? Was the academic language intervention implemented with fidelity? Is there variation in the implementation or impact of the academic language intervention?

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the 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 this site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: June 13, 2018.

Mark Schneider,

Director, Institute of Education Sciences.

SYSTEM NAME AND NUMBER

Impact Evaluation of Academic Language Intervention (18–13–43).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

MDRC, 16 East 34th Street, 19th Floor, New York, NY 10016–4326 (contractor).

Abt Associates, 55 Wheeler Street, Cambridge, MA 02138–1168 (contractor).

SYSTEM MANAGER(S):

Project's contracting officer representative, U.S. Department of Education, Potomac Center Plaza, 550 12th Street SW, Room 4114–1, Washington, DC 20202.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The evaluation is authorized under sections 171(b) and 173 of the Education Sciences Reform Act of 2002 (ESRA) (20 U.S.C. 9561(b) and 9563) and section 8601 of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (20 U.S.C. 7981).

PURPOSE(S) OF THE SYSTEM:

The information in this system will be used to conduct a rigorous study of the effectiveness of an academic language intervention on English Learner (EL) students' and disadvantaged non-EL students' language and reading skills.

The study will address the following central research questions: What is the impact of the academic language intervention on student achievement? What is the impact of the academic language intervention on classroom instruction? Was the academic language intervention implemented with fidelity? Is there variation in the implementation or impact of the academic language intervention?

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system of records will include individually identifying information about teachers who participate in the evaluation and their students. The system will contain records on approximately 560 teachers and 9,520 students from up to nine school districts.

CATEGORIES OF RECORDS IN THE SYSTEM:

For teachers, this information will include, but will not necessarily be limited to, teacher name, contact information, ratings of teaching practice, background characteristics, teaching experience and training, education, and fidelity of academic language instruction conducted by the teacher as assessed by the study team through observation. For students, this information will include, but will not necessarily be limited to, student name, date of birth, EL status, gender, primary language, race/ethnicity, grade,

eligibility for free/reduced-price lunches, individualized education plan status, standardized math and English/Language Arts test scores, grades, and retention/promotion decisions.

RECORD SOURCE CATEGORIES:

Data in this system will be obtained through: human resource and student education records maintained by the school districts; observations of classroom practice conducted by the study team; surveys of teachers administered by the study team; and assessments administered to students by the study team.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The Department may disclose information in this system of records under the routine uses listed in this system of records without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected. The Department may make these disclosures on a case-by-case basis. Any disclosure of individually identifiable information from a record in this system must also comply with the requirements of section 183 of the ESRA (20 U.S.C. 9573) providing for confidentiality standards that apply to all collection, reporting, and publication of data by the Institute of Education Sciences. Any disclosure of personally identifiable information from student education records that were obtained from school districts must also comply with the requirements of the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g; 34 CFR part 99), which protects the privacy of student education records.

(1) Teacher Identification Disclosure. In order for the Department to link teacher data that the Department maintains as part of this study to the education records of that teacher's students maintained by the participating school districts for purposes consistent with the conduct of the study, the Department may disclose to each participating school district the identities of teachers from that school district who are participating in this study.

(2) Contract Disclosure. If the Department contracts with an entity for the purposes of performing any function that requires disclosure of records in this system to employees of the contractor, the Department may disclose the records to those employees. As part of such a contract, the Department will require the contractor to agree to safeguards to protect the security and confidentiality of the records disclosed from this system.

(3) Research Disclosure. The Director of the Institute of Education Sciences may disclose information from this system of records to qualified researchers solely for the purpose of carrying out specific research that is compatible with the purpose(s) of this system of records. The researcher must agree to safeguards to protect the security and confidentiality, consistent with section 183(c) of the ESRA (20 U.S.C. 9573(c)), of the records disclosed from this system. When personally identifiable information from a student's education record will be disclosed to the researcher, under FERPA (20 U.S.C. 1232g(b) and 34 CFR 99.31), the researcher also must agree to comply with the requirements in the applicable FERPA exception to consent.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system of records are maintained in a secure, password-protected electronic system.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records in this system will be indexed and retrieved by a unique number assigned to each teacher or student that will be cross-referenced by the individual's name on a separate list.

The contractors' employees who ''maintain'' (collect, maintain, use, or disseminate) data in this system must comply with the requirements of the Privacy Act of 1974, as amended (Privacy Act) and the confidentiality standards in section 183 of the ESRA (20 U.S.C. 9573).

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The Department shall submit a retention and disposition schedule that covers the records contained in this system to the National Archives and Records Administration (NARA) for review. The records will not be destroyed until such time as NARA approves said schedule.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Security protocols for this system of records meet all required security standards. Contractors are required to ensure that information identifying individuals is in files physically separated from other research data and electronic files identifying individuals are separated from other electronic research data files. Contractors will maintain security of the complete set of all master data files and documentation. Access to individually identifiable data will be strictly controlled. All information will be kept in locked file cabinets during nonworking hours, and work on hardcopy data will take place in a single room, except for data entry.

Physical security of electronic data also will be maintained. Security features that protect project data will include: Password-protected accounts that authorize users to use the contractors' systems but to access only specific network directories and network software; user rights and directory and file attributes that limit those who can use particular directories and files and determine how they can use them; and additional security features that the network administrators will establish for projects as needed. The contractors' employees who ''maintain'' (collect, maintain, use, or disseminate) data in this system must comply with the requirements of the Privacy Act and the confidentiality standards in section 183 of the ESRA (20 U.S.C. 9573).

RECORD ACCESS PROCEDURES:

If you wish to request access to your records, you should contact the system manager at the address listed under SYSTEM MANAGER AND ADDRESS. Your request must provide necessary particulars of your full name, address, telephone number, and any other identifying information requested by the Department while processing the request, to distinguish between individuals with the same name. Your request must meet the requirements of regulations in 34 CFR 5b.5, including proof of identity.

CONTESTING RECORD PROCEDURES:

If you wish to contest the content of a record regarding you in the system of records, contact the system manager. Your request must meet the requirements of the regulations in 34 CFR 5b.7.

NOTIFICATION PROCEDURES:

If you wish to inquire whether a record exists regarding you in this system, you should contact the system manager at the address listed above. Your request must provide necessary particulars of your full name, address, telephone number, and any other identifying information requested by the Department while processing the request, to distinguish between individuals with the same name. Your request must meet the requirements of the Department's Privacy Act regulations at 34 CFR 5b.5, including proof of identity.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None.

[FR Doc. 2018–13053 Filed 6–15–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket ID ED–2018–IES–0082]

Privacy Act of 1974; System of Records

AGENCY: Institute of Education Sciences, Department of Education.

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (Privacy Act), the Department of Education (Department) publishes this notice of a new system of records entitled ''Impact Evaluation of Departmentalized Instruction in Elementary Schools (18–13–44).'' This system contains individually identifying information provided by individuals and school districts that participate in the impact evaluation. The information in this system will be used to conduct a rigorous study comparing the effectiveness of elementary school teachers specializing in one subject to the more traditional approach of teaching all subjects.

DATES: Submit your comments on this new system of records notice on or before July 18, 2018.

This new system of records will become applicable upon publication in the **Federal Register** on June 18, 2018, unless the new system of records notice needs to be changed as a result of public comment. The routine uses listed under ''ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES'' will become applicable on July 18, 2018, unless the new system of records notice needs to be changed as a result of public comment. The Department will publish any significant changes to the system of records or routine uses that result from public comment.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under the ''Help'' tab.
- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about this new system of records, address them to: Teresa Cahalan, SORN coordinator, Institute of Education Sciences, U.S. Department of Education, Potomac Center Plaza, 550 12th Street SW, Room 4126, Washington, DC 20202.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov*. Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Teresa Cahalan, SORN coordinator, Institute of Education Sciences, U.S. Department of Education, Potomac Center Plaza, 550 12th Street SW, Room 4126, Washington, DC 20202 or by email at *IES_SORN@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: The information in this system will be used to conduct a rigorous study of the effectiveness of departmentalizing instruction (where each teacher specializes in teaching one subject to multiple classes of students) in elementary schools to inform effective teacher and school improvement strategies.

The study will address the following central research questions: What is the impact of departmentalization in grades 4 and 5 on teacher practices and student achievement? Do the impacts of departmentalization differ based on whether principals have access to teacher effectiveness scores when assigning teachers to subjects? Secondary research questions for the study are: How do schools structure departmentalization? What challenges and benefits do principals and teachers perceive in switching to departmentalization? How do principals' actual assignment of teachers to subjects compare with assignments based solely on baseline teacher effectiveness scores?

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the 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 editions of the **Federal Register** and the Code of Federal Regulations for free 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 the Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: June 13, 2018.

Mark Schneider,

Director, Institute of Education Sciences.

For the reasons discussed in the preamble, the Commissioner of the National Center for Education Research, Delegated the Duties of the Director of the Institute of Education Sciences of the U.S. Department of Education (Department) publishes a notice of a new system of records to read as follows:

SYSTEM NAME AND NUMBER

Impact Evaluation of Departmentalized Instruction in Elementary Schools (18–13–44).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Mathematica Policy Research, P.O. Box 2393, Princeton, NJ 08543–2393.

SYSTEM MANAGER(S):

Project's contracting officer representative, Institute of Education Sciences, U.S. Department of Education,

Potomac Center Plaza, 550 12th Street SW, Room 4104, Washington, DC 20202.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The study is authorized under sections 171(b) and 173 of the Education Sciences Reform Act of 2002 (ESRA) (20 U.S.C. 9561(b) and 9563) and section 8601 of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (20 U.S.C. 7981).

PURPOSE(S) OF THE SYSTEM:

The information in this system will be used to conduct a rigorous study comparing the effectiveness of departmentalizing instruction in elementary grades (where each teacher specializes in teaching one subject to multiple classes of students) to the more traditional approach to instruction where each teacher teaches all subjects to a single class of students.

The study will address the following central research questions: What is the impact of departmentalization in grades 4 and 5 on student achievement and teacher practices? Do the impacts of departmentalization differ based on whether principals have access to teacher effectiveness scores when assigning teachers to subjects? Secondary research questions for the study are: How do schools structure departmentalization? What challenges and benefits do principals and teachers perceive in switching to departmentalization? How do principals' actual assignment of teachers to subjects compare with assignments based solely on baseline teacher effectiveness scores?

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system of records will include individually identifying information about teachers who participate in the study and their students. The system will contain records on approximately 1,200 teachers and 26,400 students from up to 200 schools in 12 school districts.

CATEGORIES OF RECORDS IN THE SYSTEM:

For teachers, this information will include, but will not necessarily be limited to, teacher name, videos of classroom practice collected by the study team, background characteristics, teaching experience, time spent on instruction, planning, and professional development, satisfaction and confidence in teaching, opportunities to coordinate with other teachers, baseline teacher effectiveness scores (*i.e.,* ratings of teachers' contribution to their students' standardized math and English/Language Arts test scores in the year prior to the implementation of departmentalization for the study, as calculated by the school district or by the study team using the student data described below), and ratings of teaching practice assigned by the study team using the videos of classroom practice. For students, this information will include, but will not necessarily be limited to, standardized math and English/Language Arts test scores, age, sex, race/ethnicity, grade, eligibility for free/reduced-price lunches, English Learner status, and individualized education plan status.

RECORD SOURCE CATEGORIES:

Data in this system will be obtained through: Human resource and student education records maintained by the school districts; videos of classroom practice; ratings of teaching practice conducted by the study team using the videos; and surveys of teachers administered by the study team.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The Department may disclose information in this system of records under the routine uses listed in this system of records without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected. The Department may make these disclosures on a case-by-case basis. Any disclosure of individually identifiable information from a record in this system must also comply with the requirements of section 183 of the ESRA (20 U.S.C. 9573) providing for confidentiality standards that apply to all collection, reporting, and publication of data by the Institute of Education Sciences. Any disclosure of personally identifiable information from student education records that were obtained from school districts must also comply with the requirements of the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g; 34 CFR part 99), which protects the privacy of student education records.

(1) Teacher Identification Disclosure. In order for the Department to link teacher data that the Department maintains as part of this study to the education records of that teacher's students maintained by the participating school districts for purposes consistent with the conduct of the study, the Department may disclose to each participating school district the identities of teachers from that school district who are participating in this study.

(2) Contract Disclosure. If the Department contracts with an entity for the purposes of performing any function that requires disclosure of records in this system to employees of the contractor, the Department may disclose the records to those employees. As part of such a contract, the Department will require the contractor to agree to maintain safeguards to protect the security and confidentiality of the records in the system.

(3) Research Disclosure. The Director of the Institute of Education Sciences may disclose information from this system of records to qualified researchers solely for the purpose of carrying out specific research that is compatible with the purpose(s) of this system of records. The classroom videos will not be included in disclosures of records that are made under this routine use. The researcher must agree to safeguards, consistent with section 183(c) of the ESRA (20 U.S.C. 9573(c)), to protect the security and confidentiality of the records disclosed from this system. When personally identifiable information from a student's education record will be disclosed to the researcher, under FERPA (20 U.S.C. 1232g(b) and 34 CFR 99.31), the researcher also must agree to comply with the requirements in the applicable FERPA exception to consent.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system of records are maintained in a secure, password-protected electronic system.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records in this system will be indexed and retrieved by a unique number assigned to each teacher that will be cross-referenced by the individual's name on a separate list.

The contractor's employees who ''maintain'' (collect, maintain, use, or disseminate) data in this system must comply with the requirements of the Privacy Act and the confidentiality standards in section 183 of the ESRA (20 U.S.C. 9573).

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The Department shall submit a retention and disposition schedule that covers the records contained in this system to the National Archives and Records Administration (NARA) for review. The records will not be destroyed until such a time as NARA approves said schedule.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Security protocols for this system of records meet all required security standards. The contractor is required to

ensure that information identifying individuals is in files physically separated from other research data and electronic files identifying individuals are separated from other electronic research data files. The contractor will maintain security of the complete set of all master data files and documentation. Access to individually identifiable data will be strictly controlled. All information will be kept in locked file cabinets during nonworking hours, and work on hardcopy data will take place in a single room, except for data entry.

Physical security of electronic data also will be maintained. Security features that protect project data will include: Password-protected accounts that authorize users to use the contractor's system but to access only specific network directories and network software; user rights and directory and file attributes that limit those who can use particular directories and files and determine how they can use them; and additional security features that the network administrators will establish for projects as needed. The contractor's employees who ''maintain'' (collect, maintain, use, or disseminate) data in this system must comply with the requirements of the Privacy Act and the confidentiality standards in section 183 of the ESRA (20 U.S.C. 9573).

RECORD ACCESS PROCEDURES:

If you wish to request access to your records, you must contact the system manager at the address listed under SYSTEM MANAGER AND ADDRESS. Your request must provide necessary particulars, such as your full name, address, telephone number, and any other identifying information requested by the Department, to distinguish between individuals with the same name. Your request must meet the requirements of regulations in 34 CFR 5b.5, including proof of identity.

CONTESTING RECORD PROCEDURES:

If you wish to contest the content of a record regarding you in the system of records, you must contact the system manager. Requests must contain your full name, address, and telephone number. Your request must meet the requirements of the regulations in 34 CFR 5b.7.

NOTIFICATION PROCEDURES:

If you wish to inquire whether a record exists regarding you in this system, you should contact the system manager at the address listed above. Your request must provide necessary particulars, such as your full name, address, telephone number, and any other identifying information requested by the Department to distinguish between individuals with the same name. Your request must meet the requirements of the Department's Privacy Act regulations at 34 CFR 5b.5, including proof of identity.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None.

[FR Doc. 2018–13052 Filed 6–15–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[Case No. 2018–001]

Notice of Petition for Waiver of HH Technologies From the Department of Energy Walk-in Cooler and Walk-in Freezer 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, notice of grant of an interim waiver, and request for comments.

SUMMARY: This document announces receipt of, and publishes a petition for waiver from, HH Technologies, which seeks an exemption from specified portions of the U.S. Department of Energy (''DOE'') test procedure used for determining the energy consumption of walk-in cooler and walk-in freezer doors (collectively, ''walk-in doors''). HH Technologies seeks to use an alternate test procedure to address issues involved in testing the basic models identified in its petition. HH Technologies asserts in its petition that the percent time off (''PTO'') value specified in the test procedure for walk-in door motors is unrepresentative of actual performance and causes the test procedure to over-estimate the energy use of the motors used in the specified walk-in door basic models. Accordingly, HH Technologies seeks to test and rate the basic models identified in its petition using an alternate PTO value for walk-in door motors. DOE is granting HH Technologies an interim waiver from the DOE's walk-in door test procedure for its specified basic models, subject to use of the alternative test procedure as set forth in this document. DOE solicits comments, data, and information concerning HH Technologies' petition and its suggested alternate test procedure to inform its final decision on HH Technologies' waiver request.

DATES: DOE will accept comments, data, and information with respect to the HH Technologies Petition until July 18, 2018.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *http://www.regulations.gov.* Alternatively, interested persons may submit comments, identified by case number ''2018–001,'' and Docket number ''EERE–2018–BT–WAV–0001,'' by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: HHT2018WAV0001@ee.doe.gov* Include the case number [Case No. 2018–001] 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. 2018–001, 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, Room 6055, Washington, DC 20024. If possible, please submit all items on a compact disc (''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-2018-BT-WAV-0001.* The docket web page contains simple 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 Office, Mailstop EE–5B, 1000 Independence

Avenue SW, Washington, DC 20585–0121. Email: *AS_Waiver_Requests@ee.doe.gov.*

Mr. Michael Kido, 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) 586–8145. E-mail: *Michael.Kido@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Authority

The Energy Policy and Conservation Act of 1975, as amended (''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 C[2] of EPCA, added by the National Energy Conservation Policy Act, Public Law 95–619, sec. 441 (Nov. 9, 1978), established the Energy Conservation Program for Certain Industrial Equipment, which sets forth a variety of provisions designed to improve energy efficiency for certain types of industrial equipment. This equipment includes walk-in coolers and walk-in freezers, the focus of this document. (42 U.S.C. 6311(1)(G))

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. 6311), energy conservation standards (42 U.S.C. 6313), test procedures (42 U.S.C. 6314), labeling provisions (42 U.S.C. 6315), and the authority to require information and reports from manufacturers (42 U.S.C. 6316).

The Federal testing requirements consist of test procedures that manufacturers of covered equipment must use as the basis for: (1) Certifying to DOE that their equipment complies with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6316(a); 42 U.S.C. 6295(s)), and (2) making representations about the efficiency of that equipment (42 U.S.C. 6314(d)). Similarly, DOE must use these test procedures to determine whether the equipment complies with relevant standards promulgated under EPCA. (42 U.S.C. 6316(a); 42 U.S.C. 6295(s))

Under 42 U.S.C. 6314, EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered equipment. EPCA requires that any test procedures prescribed or amended under this section must be reasonably designed to produce test results reflecting the energy efficiency, energy use, or estimated annual operating costs during a representative average use cycle, and requires that test procedures not be unduly burdensome to conduct. (42 U.S.C. 6314(a)(2)) The test procedure for walk-in doors is contained in 10 CFR part 431, subpart R, appendix A.

The regulations set forth in 10 CFR 431.401 provide that upon receipt of a petition, DOE will grant a waiver from the test procedure requirements if DOE determines either that the basic model for which the waiver was requested contains a design characteristic that prevents testing of the basic model according to the prescribed test procedure, or that the prescribed test procedure evaluates the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. 10 CFR 431.401(f)(2). DOE may grant the waiver subject to conditions, including adherence to alternate test procedures. *Id.*

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. 10 CFR 431.401(l) As soon thereafter as practicable, DOE will publish in the **Federal Register** a final rule. *Id.*

The waiver process also provides that DOE may grant an interim waiver if it appears likely that the underlying 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 underlying petition for waiver. 10 CFR 431.401(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 431.401(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 431.401(h)(2).

II. HH Technologies' Petition for Waiver and Application for Interim Waiver

On January 9, 2018, HH Technologies filed a petition for waiver and a petition for interim waiver from the test procedure applicable to walk-in doors set forth in 10 CFR part 431, subpart R, appendix A. (HH Technologies, No. 1 at pp. 1–7[3]) Appendix A accounts for the power consumption of all electrical components associated with each door and discounts the power consumption of electrical components based on their operating time by an assigned PTO value. 10 CFR part 431, subpart R, appendix A, section 4.5.2. Section 4.5.2 specifies a PTO of 25% for ''other electricity-consuming devices'' (*i.e.,* electrical devices other than lighting or anti-sweat heaters) that have demand-based controls, and a PTO of 0% for other electricity-consuming devices without a demand-based control. As described in its petition, the walk-in door basic models specified by HH Technologies are automated and designed with microprocessor controls that use motion sensor inputs to trigger a door motor, which is considered to fall within the category of ''other electricity-consuming devices with demand-based control.''[4] HH Technologies states that the controller standby power is continuous with motor power consumed solely for door openings and closing.

In its petition, HH Technologies states that the DOE test procedure does not represent the power consumption saved by automated door controls in high traffic applications. HH Technologies notes that its performance data show that its doors are cycled (*i.e.,* opened and closed) between 100 and 300 times per day. HH Technologies adds that the doors specified in its petition have a 10-second cycle time (5 seconds to open and 5 seconds to close). Assuming door-cycling frequency at the upper end of the range (300 cycles per day), HH Technologies calculates that the total run time of the motor would be approximately 50 minutes (0.83 hours)

[1] 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).

[2] For editorial reasons, upon codification in the U.S. Code, Part C was redesignated as Part A–1.

[3] A notation in this form provides a reference for information that is in the docket for this test procedure waiver (Docket No. EERE–2018–BT–WAV–0001) (available at *http://www.regulations.gov/docket?D=EERE-2018-BT-WAV-0001*). This notation indicates that the statement preceding the reference is document number 1 in the docket and appears at pages 1–7 of that document.

[4] The specific walk-in door basic models that are subject of the petition for waiver and application for interim waiver are included in HH Technologies' petition, which is reproduced at the end of this document. It is also available in the docket at *http://www.regulations.gov/docket?D=EERE-2018-BT-WAV-0001.*

per day. HH Technologies states that for the remaining 23.2 hours, the drive motor is disengaged and the controller is on standby. Based on this standby time, HH Technologies petitioned DOE to apply a PTO value of 96% for the automated walk-in door motors of the basic models specified in its petition.

DOE understands that absent an interim waiver, the specified basic models cannot be tested and rated for energy consumption on a basis representative of their true energy consumption characteristics. The doors specified in its petition are motor-operated with a demand-based control. As described by HH Technologies the motor does not operate for 96% of the day, but the DOE test procedure specifies a 25% PTO value for this type of electrical device. While DOE believes the energy consumption from the motor and controls should be accounted for as part of the door's daily energy consumption, DOE agrees with HH Technologies that the PTO value specified by the test procedure would grossly overestimate the power consumption associated with the motor and controls.

In assessing HH Technologies' proposed PTO value, DOE considered the key factors affecting the daily run time of a door motor: The door's length of motion, motor speed, and use frequency. In addition to the material submitted by HH Technologies, DOE reviewed HH Technologies' public-facing materials, including websites, product specification sheets, and installation and operation manuals. DOE used these materials in its assessment of HH Technologies' proposed PTO. All materials reviewed by DOE can be found in the docket.[5]

First, DOE considered the length of motion for the models listed in the petition. All of the models listed in HH Technologies' waiver are in either the RS–500 or RS–600 series of its RollSeal brand. Unlike typical horizontally-sliding walk-in doors, RollSeal doors consist of three layers of fabric that are rolled vertically from the top of the door frame to the floor, where a seal is created. Therefore, the length of motion for RollSeal doors is equivalent to the door height. HH Technologies' petition proposes to apply a uniform PTO value to all of the listed basic models, with heights ranging from 60 to 144 inches for RS500 models and 84 to 144 inches for RS600 models. Therefore, assuming the most consumptive scenario, DOE used the tallest door height, *i.e.* longest length of motion (144 inches), to evaluate HH Technologies' proposed PTO.

Second, DOE considered the motor speed for the models listed in the petition. HH Technologies' product literature indicates that both RS–500 and RS–600 models are sold with multiple options for raising the door—both motorized and non-motorized: Intelli-Drive/SC325 (''Intelli-Drive'') motor, Jackshaft Operator Gear Head (''Jackshaft'') motor, or Manual Chain Hoist (not electricity-consuming and therefore not considered).[6] HH Technologies' product literature indicates that the door speed differs between motor options—the Jackshaft motor option has a slower listed door speed for all models listed in the waiver, operating at 10 inches per second for RS–500 models and 20 inches per second for RS–600 models. HH Technologies did not specify a motor type in its petition and therefore DOE understands that HH Technologies intends to apply a uniform PTO value to all of the listed basic models, irrespective of motor type. Therefore, assuming the most consumptive scenario, DOE used the slowest motor available for the listed models (RS–500 Jackshaft motor, 10 inches per second) to evaluate HH Technologies' proposed PTO.

Finally, DOE considered the use frequency of the types of doors listed in HH Technologies petition. Although not in the context of electricity-consuming devices, DOE previously considered the operational characteristics of passage and freight doors in proposing a procedure to determine the energy use associated with infiltration resulting from the opening of the walk-in doors. 75 FR 55068, 55085 (September 9, 2010) (''September 2010 SNOPR'') (supplemental proposal discussing potential assumptions to apply to address air infiltration across door types). In that context, DOE proposed, based on market research and stakeholder feedback, that passage and freight doors have 60 and 120 openings per day, respectively. *Id.*[7] DOE used its previously proposed use frequencies as a reference point for evaluating HH Technologies' petition. Some of the models listed in the petition meet the definition of a freight door, ''a door that is not a display door and is equal to or larger than 4 feet wide and 8 feet tall'' (10 CFR 431.302). Therefore, assuming the most consumptive scenario, DOE counted 120 cycles per day to evaluate HH Technologies' proposed PTO.

In order to evaluate the PTO value HH Technologies requested to use, DOE used the door characteristics DOE identified in its review of HH Technologies marketing materials and the door use frequency DOE proposed in the September 2010 SNOPR to calculate a PTO value for comparison. Applying the most consumptive scenario as discussed above, *i.e.* a 144-inch-tall RS500 door with a motor speed of 10 inches per second that undergoes 120 cycles per day, would yield a PTO value of 96%, which is consistent with the value set forth in HH Technologies' petition. Accordingly, DOE believes that the PTO value that HH Technologies seeks to use is appropriate.

In its petition, HH Technologies also noted that the door controller continuously draws a small amount of standby power. DOE assumes that the controller standby power consumption is negligible relative to motor power consumption during opening and closing operations (*i.e.,* the controller has a low amount of energy use relative to the energy use of the motor used to open and close the door). Therefore, DOE believes that the proposed PTO value, which was calculated assuming a conservatively high door use frequency, sufficiently captures this minimal standby power consumption.

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 of the petition for waiver. See 10 CFR 431.401(e)(2). As discussed above, under the current DOE test procedure, the specified HH Technologies basic models cannot be tested and rated for energy consumption on a basis representative of their true energy consumption characteristics. The PTO value suggested by HH Technologies allows for an accurate estimation of its walk-in door motor's energy use, and alleviates the problems with walk-in door testing identified by HH Technologies for the basic models specified in its petition. Thus, it appears likely that HH Technologies' petition for waiver will be granted. Furthermore, DOE has determined that it is desirable for public policy reasons to grant HH Technologies immediate relief pending a determination of the petition for waiver.

[5] The docket is available at *http://www.regulations.gov/docket?D=EERE-2018-BT-WAV-0001.*

[6] Docket items 2–5, available at *http://www.regulations.gov/docket?D=EERE-2018-BT-WAV-0001.*

[7] DOE's prior consideration did not distinguish between motorized and non-motorized doors and DOE ultimately declined to include door opening infiltration measurements of the test procedure for walk-ins. See 76 FR 21580, 21595 (April 15, 2011).

III. Alternate Test Procedure

EPCA requires that manufacturers use DOE test procedures when making representations about the energy consumption and energy consumption costs of products covered by the statute. (42 U.S.C. 6314(d)) 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 431.401, and after consideration of public comments on the petition, DOE will consider setting an alternate test procedure for the equipment identified by HH Technologies in a subsequent Decision and Order.

In its petition, HH Technologies suggests that the basic models listed in its petition be tested according to the test procedure for walk-in doors prescribed by DOE at 10 CFR part 431, subpart R, appendix A, except that the PTO value for door motors is modified from 25% to 96% for freight and passage doors.

IV. Summary of Grant of an Interim Waiver

For the reasons stated above, DOE is granting HH Technologies an interim waiver for the walk-in door basic models specified in its petition. DOE's Interim Waiver Order lists the basic models to which the interim waiver applies, and provides that the applicable method of test for those basic models is the test procedure for walk-in doors prescribed by DOE at 10 CFR part 431, subpart R, appendix A, except that the PTO specified in section 4.5.2 ''Direct Energy Consumption of Electrical Components of Non-Display Doors'' of that procedure is 96% for door motors rather than the prescribed 25%.

HH Technologies is required to use the alternate test procedure to test and rate the walk-in door basic models as specified in DOE's Interim Waiver Order. HH Technologies is permitted to make representations of the energy use of the specified basic models for compliance, marketing, or other purposes only to the extent that such products have 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 429.53.

DOE evaluates and grants waivers and interim waivers for only those basic models specifically set out in the petition, not future models that may be manufactured by the petitioner. HH Technologies 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 431.401(g). In addition, DOE notes that granting of an interim waiver or waiver does not release a petitioner from the certification requirements set forth at 10 CFR part 429. See also 10 CFR 431.401(a) and (i).

Unless otherwise rescinded or modified, the interim waiver shall remain in effect until such time as when DOE amends the test procedure to address the issues presented in the waiver and use of the amended test procedure is required to demonstrate compliance. DOE may rescind or modify a waiver or interim waiver at any time upon a determination that the factual basis underlying the petition for waiver or interim waiver is incorrect, or upon a determination that the results from the alternate test procedure are unrepresentative of the basic model's true energy consumption characteristics. See 10 CFR 431.401(k)(1). Likewise, the petitioner may request that DOE rescind or modify the waiver if the petitioner discovers an error in the information provided to DOE as part of its petition, determines that the waiver is no longer needed, or for other appropriate reasons. See 10 CFR 431.401(k)(2). Furthermore, the interim waiver is conditioned upon the validity of the door motor performance characteristics, statements, representations, and documentary materials provided by HH Technologies.

V. Request for Comments

DOE is publishing HH Technologies' petition for waiver in its entirety, pursuant to 10 CFR 431.401(b)(1)(iv), absent any confidential business information. HH Technologies did not request any of the information in its petition to be considered confidential business information. The petition includes a suggested alternate test procedure, as specified in section III of this document, to determine the efficiency of HH Technologies' specified basic models of walk-in doors. DOE may consider including the alternate procedure specified in the Interim Waiver Order in a subsequent Decision and Order.

DOE invites all interested parties to submit in writing by July 18, 2018, comments and information on all aspects of the petition, including the alternate test procedure. Pursuant to 10 CFR 431.401(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 Brian Peppers, *BPeppers@hhtech.net,* 1733 County Road 68, Bremen, AL 35033.

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 June 8, 2018.

Kathleen B. Hogan,

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

HH Technologies HH Technologies
1733 County Road 68
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21 Dec 2017

U.S. Department of Energy
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Test Procedure Waiver
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Petition of HH Technologies for Waiver of the Test Procedure for Walk-in Cooler Doors

HH Technologies submits this Petition for Waiver and Application for Interim Waiver from DOE's test procedure for walk-in cooler doors in accordance with the provisions at 10 CFR 431.401.

Need for the Requested Waiver and Proposed Alternate Test Procedure

The current DOE test procedure, Appendix A to Subpart R of Part 431—Uniform Test Method for the Measurement of Energy Consumption of the Components of Envelopes of Walk-In Coolers accounts for the thermal transmittance of walk-in cooler doors plus the power consumption from any electrical components associated with the door. The test procedure discounts the power consumption of electrical components based on their operating time by an assigned PTO value. Section 4.5.2, Direct Energy Consumption of Electrical Components of Non-Display Doors, specifies a PTO of 25% for ''other electricity consuming devices'' (*i.e.,* electrical devices other than lighting or anti-sweat heaters) that have demand based controls, and a PTO of 0% for other electricity consuming devices without a demand based control.

The RollSeal Door is an automated system utilizing microprocessor controls and proprietary sealing technology minimizing infiltration losses from high traffic loading and unloading of Walk-In Cooler (WIC) doors. The microprocessor utilizes motion sensor inputs that trigger a door motor output for demand based control. The controller standby power is continuous with motor power consumed solely for door openings and closing. Standby controller power is minimal while the drive motor comprises the largest demand KW. For a typical stand-alone cooler, the controller and drive motor are installed external to the cooler.

The door control sequences, stocking scenarios and typical door passages for high traffic applications are described below:

The microprocessor controller has a delay that will close the door after a given time. For the below calculations, this delay is factory set to 45 seconds. The door takes 5 seconds to open as well as 5 seconds to close. The only time the motor is running is during this 5 second open or close sequence due to the fact that the motor is disengaged while the door is in the delay at the top of the cycle. Performance data collected over time shows the door is typically cycled between 100 and up to 300 times per day depending on the degree of traffic. With a total open and close cycle being 10 seconds and this cycle being initiated at an upper limit of 300 times per day, the total run time of the motor is found to be approximately 50 minutes per day or 0.83 hours per day. The remaining 23.2 hours, the drive motor is disengaged and the controller is on standby. This 100 to 300 passage approximation comes from a combination of all applications from Employee Passages to Freight Passages with 300 cycles being the conservative upper limit. Table 1 shows PTO Calculations.

PTO Calculations

Door Passages	300	Cycles.
Passage Run Time	10	Seconds.
Total Run Time	50.00	Min/Day.
Total Run Time	0.833	Hr/Day.
Total Standby Time	23.17	Hr/Day.
Percent time off (PTO)	0.965	N/A.

Table 1: Percent Time Off Calculations

As shown in Table 1, the PTO Value is based on the total standby time for a given day. The current test procedure for demand based controls does not

represent the power consumption saved by automated door controls in high traffic applications. Therefore, HH Technologies requests a waiver to use a minimum PTO value of 96% where drive motor ''off time'' is over 23 hours even with exceedingly high door cycles. The request applies to Section 4.5.2 (a.3). However, it is suggested a stand-alone door motor energized only during either opening or closing of the door results in a significantly less ''on'' time even with shorter door opening cycles.

Request for Interim Waiver

HH Technologies also request an interim waiver for its models listed in this petition. Based on its merits, the petition for waiver is likely to be granted. It is essential the interim waiver be granted, as HH Technologies plans to distribute models that subject to the energy conservation standards for which compliance was required on June 26, 2017. Without waiver relief, HH Technologies will be at a competitive disadvantage in the market for these important products and would suffer economic hardship. HH Technologies would be subject to requirements which should not be applied to such products.

Basic Models for Which a Waiver is Requested

The brand(s) and basic models for which a waiver is requested include:

Brand name(s) under which the identified basic model(s) will be distributed in commerce	Basic model Nos.
RollSeal Automated Door System	RS–500 D5036x075.
RollSeal Automated Door System	RS–500 D5036x090.
RollSeal Automated Door System	RS–500 D5042x072.
RollSeal Automated Door System	RS–500 D5042X084.
RollSeal Automated Door System	RS–500 D5048x060.
RollSeal Automated Door System	RS–500 D5048x072.
RollSeal Automated Door System	RS–500 D5048x084.
RollSeal Automated Door System	RS–500 D5048X090.
RollSeal Automated Door System	RS–500 D5054x084.
RollSeal Automated Door System	RS–500 D5054x096.
RollSeal Automated Door System	RS–500 D5057x102.
RollSeal Automated Door System	RS–500 D5060x084.
RollSeal Automated Door System	RS–500 D5060x090.
RollSeal Automated Door System	RS–500 D5060X096.
RollSeal Automated Door System	RS–500 D5060X108.
RollSeal Automated Door System	RS–500 D5066x084.
RollSeal Automated Door System	RS–500 D5066x108.
RollSeal Automated Door System	RS–500 D5071x090.
RollSeal Automated Door System	RS–500 D5072x084.
RollSeal Automated Door System	RS–500 D5072x090.
RollSeal Automated Door System	RS–500 D5072x096.
RollSeal Automated Door System	RS–500 D5072x102.
RollSeal Automated Door System	RS–500 D5072x105.
RollSeal Automated Door System	RS–500 D5072X108.
RollSeal Automated Door System	RS–500 D5072x114.
RollSeal Automated Door System	RS–500 D5072X120.
RollSeal Automated Door System	RS–500 D5072x126.
RollSeal Automated Door System	RS–500 D5072x138.
RollSeal Automated Door System	RS–500 D5073x092.
RollSeal Automated Door System	RS–500 D5078x094.
RollSeal Automated Door System	RS–500 D5078x102.
RollSeal Automated Door System	RS–500 D5078X108.
RollSeal Automated Door System	RS–500 D5084x084.
RollSeal Automated Door System	RS–500 D5084x096.
RollSeal Automated Door System	RS–500 D5084x102.
RollSeal Automated Door System	RS–500 D5084x108.
RollSeal Automated Door System	RS–500 D5084x114.
RollSeal Automated Door System	RS–500 D5084x120.
RollSeal Automated Door System	RS–500 D5084x126.
RollSeal Automated Door System	RS–500 D5090x096
RollSeal Automated Door System	RS–500 D5090x114.
RollSeal Automated Door System	RS–500 D5090x120.
RollSeal Automated Door System	RS–500 D5096x090.
RollSeal Automated Door System	RS–500 D5096x096.
RollSeal Automated Door System	RS–500 D5096x102.
RollSeal Automated Door System	RS–500 D5096x114.
RollSeal Automated Door System	RS–500 D5096x120.
RollSeal Automated Door System	RS–500 D5096x126.
RollSeal Automated Door System	RS–500 D5102x096.
RollSeal Automated Door System	RS–500 D5102X108.
RollSeal Automated Door System	RS–500 D5102x114.
RollSeal Automated Door System	RS–500 D5102x120.
RollSeal Automated Door System	RS–500 D5102x126.
RollSeal Automated Door System	RS–500 D5108x102.
RollSeal Automated Door System	RS–500 D5108x108.
RollSeal Automated Door System	RS–500 D5118x084.
RollSeal Automated Door System	RS–500 D5118x090.
RollSeal Automated Door System	RS–500 D5118x096.
RollSeal Automated Door System	RS–500 D5118x118.

Brand name(s) under which the identified basic model(s) will be distributed in commerce	Basic model Nos.
RollSeal Automated Door System	RS–500 D5120x090.
RollSeal Automated Door System	RS–500 D5120x102.
RollSeal Automated Door System	RS–500 D5120x108.
RollSeal Automated Door System	RS–500 D5120x114.
RollSeal Automated Door System	RS–500 D5120x120.
RollSeal Automated Door System	RS–500 D5120x126.
RollSeal Automated Door System	RS–500 D5120x138.
RollSeal Automated Door System	RS–500 D5120x144.
RollSeal Automated Door System	RS–500 D5123x102.
RollSeal Automated Door System	RS–500 D5138x114.
RollSeal Automated Door System	RS–500 D5144x144.
RollSeal Automated Door System	RS–600 D6048x084.
RollSeal Automated Door System	RS–600 D6048x090.
RollSeal Automated Door System	RS–600 D6060x096.
RollSeal Automated Door System	RS–600 D6060x120.
RollSeal Automated Door System	RS–600 D6072x084.
RollSeal Automated Door System	RS–600 D6072x090.
RollSeal Automated Door System	RS–600 D6072x096.
RollSeal Automated Door System	RS–600 D6072x102.
RollSeal Automated Door System	RS–600 D6072x108.
RollSeal Automated Door System	RS–600 D6078x126.
RollSeal Automated Door System	RS–600 D6078x138.
RollSeal Automated Door System	RS–600 D6084x102.
RollSeal Automated Door System	RS–600 D6084x108.
RollSeal Automated Door System	RS–600 D6090x126.
RollSeal Automated Door System	RS–600 D6096x090.
RollSeal Automated Door System	RS–600 D6096x096.
RollSeal Automated Door System	RS–600 D6096x102.
RollSeal Automated Door System	RS–600 D6096x108.
RollSeal Automated Door System	RS–600 D6096x114.
RollSeal Automated Door System	RS–600 D6096x120.
RollSeal Automated Door System	RS–600 D6096x126.
RollSeal Automated Door System	RS–600 D6108x108.
RollSeal Automated Door System	RS–600 D6120x120.
RollSeal Automated Door System	RS–600 D6144x108.
RollSeal Automated Door System	RS–600 D6144x144.

Other Manufacturers

Manufacturers of other basic models distributed in commerce in the United States that incorporate design characteristics similar to those found in the basic models that are the subject of this petition include: ASIDOORS, JAMISON, CHASE DOORS, HERCULES, EDEY, and FRANK.

BRIAN PEPPERS
VP of Product Marketing

[FR Doc. 2018–13015 Filed 6–15–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Intent To Grant an Exclusive License

AGENCY: National Energy Technology Laboratory, Department of Energy.

ACTION: Notice of intent to grant an exclusive license.

SUMMARY: The National Energy Technology Laboratory (NETL) hereby gives notice that the Department of Energy (DOE) intends to grant an exclusive license to practice the invention described and claimed in U.S. Patent Application Number 62/514,355, ''Method of Exhaust Cleanup from Combustion Processes Using Mixed-Metal Oxide (MMO) Based Catalysts'' to Pyrochem Catalyst Company, having its principal place of business in Louisville, Kentucky. The invention is owned by the United States of America, as represented by DOE.

DATES: Written comments, objections, or nonexclusive license applications must be received at the **ADDRESSES** listed no later than July 3, 2018. Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

ADDRESSES: Comments, applications for nonexclusive licenses, or objections relating to the prospective partially exclusive license should be submitted to Jessica Lamp, Technology Transfer Program Manager, U.S. Department of Energy, National Energy Technology Laboratory, P.O. Box 10940, Pittsburgh, PA 15236–0940 or via facsimile to (412) 386–4183.

FOR FURTHER INFORMATION CONTACT: Jessica Lamp, Technology Transfer Program Manager, U.S. Department of Energy, National Energy Technology Laboratory, P.O. Box 10940, Pittsburgh, PA 15236; Telephone (412) 386–7417; Email: *jessica.lamp@netl.doe.gov.*

SUPPLEMENTARY INFORMATION: Section 209(c) of title 35 of the United States Code gives DOE the authority to grant exclusive or partially exclusive licenses in Department-owned inventions where a determination is made, among other things, that the desired practical application of the invention has not been achieved, or is not likely to be achieved expeditiously, under a nonexclusive license. The statute and implementing regulations (37 CFR 404) require that the necessary determinations be made after public notice and opportunity for filing written comments and objections.

Pyrochem Catalyst Company, has applied for an exclusive license to practice the invention and has a plan for commercialization of the invention. DOE intends to grant the license, upon a final determination in accordance with 35 U.S.C. 209(c), unless within 15 days of publication of this notice, NETL's Technology Transfer Program Manager (contact information listed above) receives in writing any of the

following, together with supporting documents:

(i) A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed license; or

(ii) An application for a nonexclusive license to the invention, in which applicant states that it already has brought the invention to practical application or is likely to bring the invention to practical application expeditiously.

The proposed license would be exclusive, subject to a license and other rights retained by the United States, and subject to a negotiated royalty. The exclusive fields of use are: For use in internal combustion engines. DOE will review all timely written responses to this notice, and will grant the license if, after expiration of the 15-day notice period, and after consideration of any written responses to this notice, a determination is made in accordance with 35 U.S.C. 209(c) that the license is in the public interest.

Dated: June 4, 2018.

Sean I. Plasynski,

Director (Acting), National Energy Technology Laboratory.

[FR Doc. 2018–13010 Filed 6–15–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Submission for Office of Management and Budget (OMB) review; comment request.

SUMMARY: The Department of Energy (DOE) has submitted an information collection request to the OMB for extension under the provisions of the Paperwork Reduction Act of 1995. The information collection requests a three-year extension of its Legal Collection, OMB Control Number 1910–0800. The proposed collection will enable DOE to continue to maintain DOE control and oversight of DOE contractor's invention reporting and related matters.

DATES: Comments regarding this collection must be received on or before July 18, 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, please advise the OMB Desk Officer of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at (202) 395–4718.

ADDRESSES: Written comments should be sent to the: DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW, Washington DC 20503, and to Brian Lally, GC–62, U.S. Department of Energy, 1000 Independence Ave. SW, Washington, DC 20585, by fax at (202) 586–2805, or by email at *brian.lally@hq.doe.gov*.

FOR FURTHER INFORMATION CONTACT: Brian Lally, (202) 586–8298, *brian.lally@hq.doe.gov*.

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) *OMB No.* 1910–0800; (2) Information Collection Request Title: Legal Collections; (3) *Type of Request:* Renewal and Revision; (4) *Purpose:* To continue to maintain DOE control and oversight of DOE and its contractor's invention reporting and related matters; (5) *Annual Estimated Number of Respondents:* 1700; (6) *Annual Estimated Number of Total Responses:* 2040; (7) *Annual Estimated Number of Burden Hours:* 13,260; (8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $994,500.00.

Statutory Authority: 42 U.S.C. 5908(a) (b) and (c); 37 CFR part 404; 10 CFR part 784.

Issued in Washington, DC, on June 12, 2018.

Brian Lally,

Assistant General Counsel for Technology Transfer, and Intellectual Property, U.S. Department of Energy.

[FR Doc. 2018–13012 Filed 6–15–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1744–041]

Notice of Application Tendered for Filing With the Commission; PacifiCorp

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Major Constructed Project.

b. *Project No.:* 1744–041.

c. *Date filed:* May 30, 2018.

d. *Applicant:* PacifiCorp.

e. *Name of Project:* Weber Hydroelectric Project.

f. *Location:* On the Weber River, in Weber, Davis, and Morgan Counties, Utah. The project occupies 14.94 acres of United States lands administered by the U.S. Forest Service.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Eve Davies, PacifiCorp—Renewable Resources, 1407 West North Temple, Suite 210, Salt Lake City, UT 84116; (801) 220–2245; email—*eve.davies@pacificorp.com.*

i. *FERC Contact:* Evan Williams at (202) 502–8462; or email at *evan.williams@ferc.gov.*

j. The application is not ready for environmental analysis at this time.

k. *The existing Weber Project consists of:* (1) A 114-foot-long, 27-foot-high concrete diversion dam that includes a low-level outlet, a 35-foot-long intake structure, and a 79-foot-long section containing two 29-foot-long, 10-foot-high radial gates; (2) a 3-foot by 18-foot non-operative fish passage structure that is used to pass minimum flows through a calibrated slide gate opening at the dam; (3) an 8.4-acre reservoir having a total storage of approximately 42 acre-feet at elevation 4,798 feet mean sea level; (4) a 9,107-foot-long, 5-foot to 6.3-foot-diameter steel penstock partially encased in concrete, and buried for most of its length; (5) a powerhouse with one 3,850-kilowatt generating unit; (6) a 36-foot-long, by 20-foot-wide, by 30-foot-deep concrete tailrace structure, integrated into the powerhouse foundation, which returns flows directly into the Weber River on the south side of the powerhouse; (7) a 77-foot-long, 46-kilovolt transmission line; and (8) appurtenant facilities. The project is estimated to generate an average of 16,932 megawatt-hours annually. PacifiCorp proposes to build a new fish passage structure at the edge of the existing diversion dam in an area that currently has graded, unvegetated soil.

l. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

m. *Procedural schedule:* The application will be processed according to the following preliminary Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Issue Notice of Acceptance ..	June 2018.
Issue Notice Soliciting Final Terms and Conditions.	August 2018.

Commission issues EA ..... March 2018.

Dated: June 12, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–12945 Filed 6–15–18; 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 exempt wholesale generator filings:

Docket Numbers: EG18–97–000.
Applicants: Origis Energy.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Origis Energy.
Filed Date: 6/11/18.
Accession Number: 20180611–5042.
Comments Due: 5 p.m. ET 7/2/18.

Docket Numbers: EG18–98–000.
Applicants: Palmer's Creek Wind Farm, LLC.
Description: Self-Certification of EWG Status of Palmer's Creek Wind Farm, LLC.
Filed Date: 6/11/18.
Accession Number: 20180611–5065.
Comments Due: 5 p.m. ET 7/2/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1585–012; ER10–1594–012; ER10–1617–012; ER10–1628–012; ER10–1632–014; ER12–60–014; ER16–1148–003; ER16–733–003
Applicants: Alabama Electric Marketing, LLC, California Electric Marketing, LLC, LQA, LLC, New Mexico Electric Marketing, LLC, Tenaska Energía de Mexico, S. de R. L. de C.V., Tenaska Power Services Co., Tenaska Power Management, LLC, Texas Electric Marketing, LLC.
Description: Notice of Change in Status of the Indicated Tenaska MBR Sellers.
Filed Date: 6/8/18.
Accession Number: 20180608–5099.
Comments Due: 5 p.m. ET 6/29/18.

Docket Numbers: ER10–1633–001.
Applicants: Deseret Generation & Transmission Co-operative, Inc.
Description: Notice of Change in Status of Deseret Generation and Transmission Co-operative, Inc.
Filed Date: 6/8/18.
Accession Number: 20180608–5138.
Comments Due: 5 p.m. ET 6/29/18.

Docket Numbers: ER10–2498–005.
Applicants: South Carolina Electric & Gas Company.
Description: Notice of Non-Material Change in Status of South Carolina Electric & Gas Company.
Filed Date: 6/8/18.
Accession Number: 20180608–5147.
Comments Due: 5 p.m. ET 6/29/18.

Docket Numbers: ER18–1268–001.
Applicants: Southwest Power Pool, Inc.
Description: Tariff Amendment: Amended Filing—Revisions to Implement a Set of Resource Adequacy Policies to be effective 7/1/2018.
Filed Date: 6/8/18.
Accession Number: 20180608–5136.
Comments Due: 5 p.m. ET 6/29/18.

Docket Numbers: ER18–1765–000.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing: Notice of Cancellation of ISA, Service Agreement No. 2383, NQ26A to be effective N/A.
Filed Date: 6/11/18.
Accession Number: 20180611–5026.
Comments Due: 5 p.m. ET 7/2/18.

Docket Numbers: ER18–1766–000.
Applicants: Palmer's Creek Wind Farm, LLC.
Description: Baseline eTariff Filing: Application For Market Based Rate to be effective 8/11/2018.
Filed Date: 6/11/18.
Accession Number: 20180611–5061.
Comments Due: 5 p.m. ET 7/2/18.

Docket Numbers: ER18–1767–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original WMPA SA No. 5095; Queue No. AB2–022 to be effective 5/21/2018.
Filed Date: 6/11/18.
Accession Number: 20180611–5076.
Comments Due: 5 p.m. ET 7/2/18.

Docket Numbers: ER18–1768–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1166R32 Oklahoma Municipal Power Authority NITSA and NOA to be effective 7/1/2018.
Filed Date: 6/11/18.
Accession Number: 20180611–5106.
Comments Due: 5 p.m. ET 7/2/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 11, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–12951 Filed 6–15–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC18–99–000.
Applicants: New Harquahala Generating Company, LLC.
Description: New Harquahala Generating Company, LLC, Application for Approval Under Section 203 of the Federal Power Act and Request for Expedited Approval.
Filed Date: 6/11/18.
Accession Number: 20180611–5152.
Comments Due: 5 p.m. ET 7/2/18.

Docket Numbers: EC18–100–000.
Applicants: Cedar Point Wind, LLC, Silver State Solar Power North, LLC, Canada Pension Plan Investment Board.
Description: Application for Authorization Under Section 203 of the Federal Power Act and Request for Expedited Consideration, Shortened Comment Period and Certain Waivers of Cedar Point Wind, LLC, et. al.
Filed Date: 6/11/18.
Accession Number: 20180611–5176.
Comments Due: 5 p.m. ET 7/2/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–1769–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: First Revised ISA No. 4623, Queue No. AC1–152 AC1–172 to be effective 5/10/2018.
Filed Date: 6/11/18.
Accession Number: 20180611–5138.
Comments Due: 5 p.m. ET 7/2/18.

Docket Numbers: ER18–1770–000.
Applicants: ISO New England Inc., New England Power Pool Participants Committee.

Description: § 205(d) Rate Filing: ISO New England Inc. and NEPOOL; Revisions to the Determination of Economic Life to be effective 8/10/2018.

Filed Date: 6/11/18.

Accession Number: 20180611–5141.

Comments Due: 5 p.m. ET 7/2/18.

Docket Numbers: ER18–1771–000.

Applicants: Langdon Renewables, LLC.

Description: Baseline eTariff Filing: Langdon Renewables, LLC Application for Market-Based Rates to be effective 7/25/2018.

Filed Date: 6/11/18.

Accession Number: 20180611–5148.

Comments Due: 5 p.m. ET 7/2/18.

Docket Numbers: ER18–1772–000.

Applicants: Cheekerton, LLC.

Description: Baseline eTariff Filing: Cheekerton, LLC MBR Application to be effective 7/3/2018.

Filed Date: 6/12/18.

Accession Number: 20180612–5045.

Comments Due: 5 p.m. ET 7/3/18.

Docket Numbers: ER18–1773–000.

Applicants: NorthWestern Corporation.

Description: § 205(d) Rate Filing: SA 683 1st Rev—Control Center Services Agreement with MATL to be effective 8/1/2018.

Filed Date: 6/12/18.

Accession Number: 20180612–5058.

Comments Due: 5 p.m. ET 7/3/18.

Docket Numbers: ER18–1774–000.

Applicants: Southwestern Electric Power Company.

Description: § 205(d) Rate Filing: Revised and Restated Minden PSA to be effective 9/1/2018.

Filed Date: 6/12/18.

Accession Number: 20180612–5059.

Comments Due: 5 p.m. ET 7/3/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 12, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–12943 Filed 6–15–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 8015–005]

Notice of Application for Temporary Amendment and Soliciting Comments, Motions To Intervene, and Protests; North Eastern Wisconsin Hydro, LLC.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Temporary Amendment.

b. *Project No.:* 8015–005.

c. *Date Filed:* June 11, 2018.

d. *Applicant:* North Eastern Wisconsin Hydro, LLC.

e. *Name of Project:* Shawano Paper Mills Dam Project.

f. *Location:* The project is located on the Wolf River in Shawano County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Ms. Melissa Rondou, Eagle Creek Renewable Energy, 116 N State St., P.O. Box 167, Neshkoro, WI 54960; telephone: (920) 293–4628 ext. 347.

i. *FERC Contact:* Christopher Chaney, telephone: (202) 502–6778, and email address: *christopher.chaney@ferc.gov.*

j. Deadline for filing comments, motions to intervene, and protests is 15 days from the issuance date of this notice by the Commission.

All documents may be filed electronically via the internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's website at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail a copy to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Please include the project number (P–8015–005) on any comments or motions filed.

k. *Description of Request:* The exemptee is seeking a temporary amendment to operate the project at a target elevation of 802.9 feet mean sea level (msl), or 0.4 foot above the authorized target elevation of 802.5 feet msl. The exemptee would continue to operate within the authorized elevation range of 801.83 feet msl and 803.17 feet msl. The exemptee states the amendment is necessary to address recreation and possible public safety concerns when operating the project at the authorized target elevation. The proposed temporary amendment would end no later than November 15, 2018.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. A copy is also available for inspection and reproduction at the address in item (h) above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* All filings must (1) bear in all capital letters the title COMMENTS, PROTEST, or MOTION TO INTERVENE as applicable; (2) set forth in the heading the name of the applicant and

the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the amendment application. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: June 12, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–12949 Filed 6–15–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2413–124]

Notice of Application Tendered for Filing With the Commission and Establishing Procedural Schedule for Licensing and Deadline for Submission of Final Amendments; Georgia Power Company

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 2413–124.

c. *Date Filed:* May 31, 2018.

d. *Applicant:* Georgia Power Company (Georgia Power).

e. *Name of Project:* Wallace Dam Pumped Storage Project (Wallace Dam Project).

f. *Location:* The existing project is located on the Oconee River, in Hancock, Putnam, Green, and Morgan Counties, Georgia. The project occupies about 493.7 acres of federal land administered by the U.S. Forest Service.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Courtenay R. O'Mara, P.E., Wallace Dam Hydro Relicensing Manager, Southern Company Generation, BIN 10193, 241 Ralph McGill Blvd. NE, Atlanta, GA 30308–3374; (404) 506–7219; *cromara@southernco.com.*

i. *FERC Contact:* Allan Creamer at (202) 502–8365, or at *allan.creamer@ferc.gov.*

j. This application is not ready for environmental analysis (EA) at this time.

k. *Project Description:* The Wallace Dam Project consists of: (1) A 2,395-foot-long, 120-foot-high dam, consisting of (i) a 347-foot-long west earth embankment, (ii) a 300-foot-long west concrete non-overflow section, (iii) a 266-foot-long concrete spillway with five Tainter gates, each 48 feet high by 42 feet wide with a discharge capacity of 35,000 cubic feet per second (cfs), (iv) a 531.4-foot-long powerhouse intake section, protected by trashracks having a clear bar spacing of 9.5 to 10.5 inches and leading to six penstocks with a maximum diameter of 25.5 feet, (v) a 226-foot-long east concrete non-overflow section, (vi) a 725-foot-long east earth embankment, and (vii) two saddle dikes, located east of the dam, totaling about 900 feet in length; (2) an 18,188-acre reservoir (Lake Oconee) at an elevation of 435.0 feet Plant Datum (where Plant Datum equals mean sea level (NAVD88) minus 0.20 feet); (3) a powerhouse integral with the dam that contains six turbine/generator units (two conventional generating units and four reversible pump units, with a total installed capacity of 321.3 megawatts; (4) a 20,000-foot-long tailrace that flows into Lake Sinclair, which serves as the lower reservoir for the Wallace Dam Project; (5) transmission facilities that consist of (i) 13.8-kilovolt (kV) generator leads, (ii) two 13.8/230-kV step-up transformers, (iii) a 230-kV substation, and (iv) a 15.67-mile-long transmission line that extends from Wallace Dam west to a switching station near Eatonton, Georgia; and (6) appurtenant facilities.

The Wallace Dam Project is a pumped storage project, generating 390,083 megawatt-hours of electricity annually. Water for generation at Wallace Dam comes from inflow, plus storage in Lake Oconee. The project generates during peak power demand hours to meet the electrical system demand. Water that is not used for generation at the downstream Sinclair Project (FERC No. 1951), remains in Lake Sinclair for a few hours before being pumped back into Lake Oconee. Pumpback operation occurs at night, when electrical system demand is low (off-peak hours). For normal day-to-day operation, Lake Oconee fluctuates between elevations 435.0 and 433.5 feet Plant Datum, resulting in an average daily fluctuation of 1.5 feet. The Wallace Dam Project discharges directly into Lake Sinclair, with no intervening riverine or bypassed reach. Generation typically is the highest during the summer months, where Wallace Dam generates for about 7 to 8 hours during the afternoon peak demand period. During the fall and winter months, generation typically last 5 to 6 hours.

During drought periods, the Wallace Dam Project supports the minimum flow requirements of the downstream Sinclair Project. When the Sinclair Project's calculated inflow drops below its minimum flow requirement of 250 cfs, water is released from Lake Oconee to maintain Lake Sinclair at the minimum level necessary for safe pumpback operation at Wallace Dam, which is 338.2 feet Plant Datum.

l. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov,* using the eLibrary link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* or toll free at (866) 208–3676, or for TTY at (202) 502–8659. A copy is also available for inspection and reproduction at *https://www.georgiapower.com/company/energy-industry/generating-plants/wallace-dam-project.html,* or the address in paragraph h.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

m. *Procedural Schedule:* The application will be processed according to the following preliminary Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Notice of Acceptance/Notice of Ready for Environmental Analysis.	August 2018.
Filing of recommendations, preliminary terms and conditions, and fishway prescriptions.	October 2018.

Milestone	Target date
Commission issues EA	February 2019.
Comments on EA	March 2019.
Modified Terms and Conditions	May 2019.

n. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: June 11, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–12948 Filed 6–15–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–494–000]

Notice of Request Under Blanket Authorization; Southern Natural Gas Company, L.L.C.

Take notice that on June 1, 2018, Southern Natural Gas Company, L.L.C. (Southern), 569 Brookwood Village, Suite 749, Birmingham, Alabama 35209, filed in Docket No. CP18–494–000 a prior notice request pursuant to sections 157.205 and 157.216(b) of the Commission's regulations under the Natural Gas Act (NGA), requesting authorization to abandon in place 6.5 miles of both its 4-inch West Point Line and 8-inch West Point Loop Line from Milepost 16.43 to Milepost 22.79 located in Lowndes and Clay Counties, Mississippi. In addition, Southern proposes to abandon by removal its delivery meter at Milepost 16.43, a regulator at Milepost 19.35, and all associated above-ground appurtenances. Southern estimates the cost of the proposed project to be approximately $20,700,000, all as more fully set forth in the application which is on file with the Commission and open to public 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, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Pamela R. Donaldson, Sr. Regulatory Analyst II at Southern Natural Gas Company, L.L.C., Colonial Brookwood Center, 569 Brookwood Village, Suite 749, Birmingham, Alabama 35209, by telephone at (204) 325–3739, or by email at *pamela_donaldson@kindermorgan.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 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 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 commenter's will be placed on the Commissions' 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 commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE, Washington, DC 20426.

Dated: June 11, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–12941 Filed 6–15–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Filing

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP18–892–000.

Applicants: Pioneer Natural Resources USA, Inc., Evergreen Natural Resources LLC.

Description: Joint Petition of Pioneer Natural Resources USA, Inc., et al. for Limited Waiver, et al.

Filed Date: 6/11/18.

Accession Number: 20180611–5155.

Comments Due: 5 p.m. ET 6/19/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 12, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–12953 Filed 6–15–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2246–065]

Public Meetings Soliciting Comments on the Draft Environmental Impact Statement for the Yuba County Water Agency Yuba River Development Project

On May 30, 2018, the Commission issued a Notice of Availability of the Draft Environmental Impact Statement for the Yuba River Development Project. The draft EIS documents the views of governmental agencies, non-governmental organizations, affected Indian tribes, the public, the license applicants, and Commission staff. All written comments must be filed by July 30, 2018, and should reference Project No. 2246–065. More information on filing comments can be found in the letter at the front of the draft EIS or on the Commission's website at *http://www.ferc.gov/docs-filing/efiling.asp.* Although the Commission strongly encourages electronic filing, documents may also be paper-filed.

In addition to or in lieu of sending written comments, you are invited to attend public meetings that will be held to receive comments on the draft EIS. The daytime meeting will focus on resource agency, Indian tribes, and non-governmental organization comments, while the evening meeting is primarily for receiving input from the public. All interested individuals and entities are invited to attend one or both of the public meetings. The time and location of the meetings are as follows:

Date: Tuesday, July 10, 2018.

Time: Daytime meeting—1–4 p.m. Pacific Daylight Time. Evening meeting—7–9 p.m. Pacific Daylight Time.

Place: Yuba County Government Center.

Address: 915 8th Street, Marysville, CA 95901.

At this meeting, resource agency personnel and other interested persons will have the opportunity to provide oral and written comments and recommendations regarding the draft EIS. The meeting will be recorded by a court reporter, and all statements (verbal and written) will become part of the Commission's public record for the project. This meeting is posted on the Commission's calendar located at *http://www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

For further information, contact Alan Mitchnick at (202) 502–6074 or at *alan.mitchnick@ferc.gov.*

Dated: June 11, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–12946 Filed 6–15–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–1766–000]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization; Palmer's Creek Wind Farm, LLC

This is a supplemental notice in the above-referenced proceeding Palmer's Creek Wind Farm, 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 July 2, 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: June 12, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–12944 Filed 6–15–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Public Notice; Records Governing Off-the-Record Communications

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the

document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket No.	File date	Presenter or requester
Exempt		
1. CP16–454–000	5–29–2018	U.S. Congress.[1]
2. CP17–458–000	5–30–2018	FERC Staff.[2]
3. CP15–138–000	6–7–2018	U.S. House Representative Lloyd Smucker.

[1] Senators John Cornyn and Ted Cruz. House Representatives Jodey Arrington, Kevin Brady, Mike Conaway, Pete Olson, and Gene Green.
[2] Record of phone conference and follow-up communications between May 17 to 23, 2018 with Environmental Resources Management, Inc. and U.S. Fish and Wildlife Service.

Dated: June 12, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–12950 Filed 6–15–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC18–5–000]

Corrected Errata Notice

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Corrected errata and comment request.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act (PRA) of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is submitting the information collections FERC–917 (Non-discriminatory Open Access Transmission Tariff) and FERC–918 (Information to be posted on OASIS & Auditing Transmission Service Information) 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 published 60-day and 30-day notices (in the **Federal Register** on February 6, 2018, and May 9, 2018, respectively), for the renewal of the FERC–917 and FERC–918 information collections. Both notices requested comments on FERC–917 and FERC–918 and indicated the Commission will submit the information collections to the Office of Management and Budget (OMB) for review. The cost information was inadvertently omitted from the Notices. Due to this oversight, we provided an additional 15 days for comments, which are due June 27, 2018. In addition, some figures included in the Errata Notice (published in the **Federal Register** on June 12, 2018) are being corrected in this Notice. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. (There are no changes to the information collections.)

DATES: Comments on the collections of information are due by June 27, 2018.

ADDRESSES: Comments filed with OMB, identified by the OMB Control No. 1902–0233 (FERC–917 and FERC–918) should be sent via email to the Office of Information and Regulatory Affairs: *oira_submission@omb.gov,* Attention: Federal Energy Regulatory Commission Desk Officer.

A copy of the comments should also be sent to the Federal Energy Regulatory Commission, identified by the Docket No. IC18–5–000, by one 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: 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–917 (Non-discriminatory Open Access Transmission Tariff) and FERC–918 (Information to be Posted on OASIS & Auditing Transmission Service Information).

OMB Control No.: 1902–0233.

Type of Request: Three-year extension of the FERC–917 and FERC–918 information collection requirements with no changes to the reporting requirements.

Type of Respondents: Public Utilities transmission providers.

Estimate of Annual Burden: This Errata Notice adds the missing cost data and corrects other figures.

The corrected table follows.[1]

[1] The zeroes for respondents and responses are based on having no filings of this type over the past four years. In addition, we estimate no filings during the next three years. The requirements remain in the regulations and are included as part of the OMB Control Number.

FERC–917 (NON-DISCRIMINATORY OPEN ACCESS TRANSMISSION TARIFF) AND FERC–918 (INFORMATION TO BE POSTED ON OASIS & AUDITING TRANSMISSION SERVICE INFORMATION)

	Number of respondents (1)	Annual number of responses per respondent (2)	Annual number of responses (1) * (2) = (3)	Average burden hrs. and cost ($)[2] per response (4)	Total annual burden hours and total annual cost ($) (3) * (4) = (5)	Cost per respondent ($) (5) ÷ (1) = (6)
18 CFR 35.28 (FERC–917)						
Conforming tariff changes (Reporting).	0	0	0	0	0	0
Revision of Imbalance Charges (Reporting).	0	0	0	0	0	0
ATC revisions (Reporting)	0	0	0	0	0	0
Planning (Attachment K) (Reporting).	134	1	134	100 hrs., $7,200.00	13,400 hrs., $964,800	$7,200.00
Congestion studies (Reporting).	134	1	134	300 hrs., $21,600	40,200 hrs., $2,894,400	21,600.00
Attestation of network resource commitment (Reporting).	134	1	134	1 hrs., $72.00	134 hrs., $9,648.00	72.00
Capacity reassignment (Reporting).	134	1	134	100 hrs., $7,200.00	13,400 hrs., $964,800.00	7,200
Operational Penalty annual filing (Record Keeping).	134	1	134	10 hrs., $327.40	1,340 hrs., $43,871.60	327.40
Creditworthiness—include criteria in the tariff (Reporting).	0	0	0	0	0	0
FERC–917, Sub-Total of Record Keeping Requirements.					1,340 hrs., $43,871.60	
FERC–917, Sub-Total of Reporting Requirements.					67,134 hrs., $4,833,648.00	
FERC–917, Sub-Total of Reporting and Recordkeeping Requirements.					68,474 hrs., $4,877,519.60	
18 CFR 37.6 & 37.7 (FERC–918)[3]						
Implementation by each utility (Reporting).	0	0	0	0	0	0
NERC/NAESB Team to develop (Reporting).	0	0	0	0	0	0
Review and comment by utility (Reporting).	0	0	0	0	0	0
Mandatory data exchanges (Reporting).	134	1	134	80 hrs., $5,760.00	10,720 hrs., $771,840.00	5,760.00
Explanation of change of ATC values (Reporting).	134	1	134	100 hrs., $7,200.00	13,400 hrs., $964,800.00	7,200.00
Reevaluate CBM and post quarterly (Record Keeping).	134	1	134	20 hrs., $654.80	2,680 hrs., $87,743.20	654.80
Post OASIS metrics; requests accepted/denied (Reporting).	134	1	134	90 hrs., $6,480.00	12,060 hrs., $868,320.00	6,480.00
Post planning redispatch offers and reliability redispatch data (Record Keeping).	134	1	134	20 hrs., $654.80	2,680 hrs., $87,743.20	654.80
Post curtailment data (Reporting).	134	1	134	1 hrs., $72.00	134 hrs., $9,648.00	72.00
Post Planning and System Impact Studies (Reporting).	134	1	134	5 hrs., $360.00	670 hrs., $48,240.00	360.00
Posting of metrics for System Impact Studies (Reporting).	134	1	134	100 hrs., $7,200.00	13,400 hrs.; $964,800.00	7,200.00
Post all rules to OASIS (Record Keeping).	134	1	134	5 hrs., $163.70	670 hrs., $21,935.80	163.70
FERC–918, Sub-Total of Record Keeping Requirements.					6,030 hrs., $197,422.20	
FERC–918, Sub-Total of Reporting Requirements.					50,384.00 hrs., $3,627,648	
FERC–918, Sub-Total of Reporting and Recordkeeping Requirements.					56,414 hrs., $3,825,070.20	
Total FERC–917 and FERC–918 (Reporting and Recordkeeping Requirements).					124,888 hrs., $8,702,589.80	

FERC–917 (NON-DISCRIMINATORY OPEN ACCESS TRANSMISSION TARIFF) AND FERC–918 (INFORMATION TO BE POSTED ON OASIS & AUDITING TRANSMISSION SERVICE INFORMATION)—Continued

	Number of respondents	Annual number of responses per respondent	Annual number of responses	Average burden hrs. and cost ($)[2] per response	Total annual burden hours and total annual cost ($)	Cost per respondent ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1) = (6)
Off-site storage cost					$7,400,000	

Dated: June 13, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–13021 Filed 6–15–18; 8:45 am]

BILLING CODE 6717–01–P

[2] The estimated hourly cost (salary plus benefits) provided in this section is based on the salary figures for May 2017 posted by the Bureau of Labor Statistics for the Utilities sector (available at *http://www.bls.gov/oes/current/naics2_22.htm*) and benefits data of May 2017 (available at *https://www.bls.gov/oes/current/naics2_22.htm*):

Legal (Occupation Code: 23–0000): $143.68; Consulting (Occupation Code: 54–1600): $89.00; Management Analyst (Occupation Code: 13–1111): $63.49; Office and Administrative Support (Occupation Code: 43–000): $40.89; Electrical Engineer (Occupation Code: 17–2071): $68.12; Information Security Analyst (Occupation Code: 15–1122): $66.34; File Clerk (Occupation Code: 43–4071): $32.74.

For reporting requirements, the skill sets are assumed to contribute equally, so the hourly cost is an average [($143.68 + $89.00 + $63.49 + $40.89 + $68.12 + $66.34 + $32.74) ÷ 7 = $72.04]. The figure is rounded to $72.00 per hour.

For recordkeeping requirements, the hourly cost for a file clerk ($32.74) is used.

[3] ATC-related standards include: Implementation by each utility (Reporting), NERC/NAESB Team to develop (Reporting), and Review and comment by utility (Reporting).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2326–053]

Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests; Great Lakes Hydro America, LLC.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Request for a temporary variance from elevation requirements.

b. *Project No.:* 2326–053.

c. *Date Filed:* May 23, 2018.

d. *Applicant:* Great Lakes Hydro America, LLC.

e. *Name of Project:* Cross Power Hydroelectric Project.

f. *Location:* The project is located on the Androscoggin River in Coos County, New Hampshire.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Ms. Kelly Maloney, Great Lakes Hydro America, LLC, 150 Main Street, Lewiston, ME 04240, (207) 755–5605.

i. *FERC Contact:* Zeena Aljibury, (202) 502–6065, *zeena.aljibury@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* June 26, 2018.

The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, or recommendations using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–2326–053.

k. *Description of Request:* Great Lakes Hydro America, LLC requests Commission approval for temporary modifications from normal reservoir elevation to perform spillway repairs at the Cross Power Project. The licensee is proposing to lower the headpond to elevation 917.7 feet United Sates Geologic Datum (USGS), six inches below the concrete crest of the spillway (for worker safety), while the flashboards are being installed and removed. Once the flashboard work is completed, the licensee will maintain the headpond at or above the spillway crest elevation of 918.2 feet. Great Lakes Hydro America, LLC is proposing to begin the drawdown starting on July 1, 2018, and continue through September 2018. Great Lakes Hydro America, LLC does not foresee any recreational impacts for this project since the repair activities are limited to a section of the Androscoggin River with limited access.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208- 3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title COMMENTS, PROTEST, or MOTION TO INTERVENE as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or

intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the license surrender. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: June 12, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–12947 Filed 6–15–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC18–10–000]

Commission Information Collection Activities (FERC–921); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection FERC–921 (Ongoing Electronic Delivery of Data from Regional Transmission Organizations and Independent System Operators) and submitting the information collection to the Office of Management and Budget (OMB) for review. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. On April 4, 2018, the Commission published a Notice in the **Federal Register** in Docket No. IC18–10–000 requesting public comments. The Commission received comments from one commenter, a subject respondent, who expressed clear support for the extension request.

DATES: Comments on the collection of information are due July 18, 2018.

ADDRESSES: Comments filed with OMB, identified by OMB Control No. 1902–0257, should be sent via email to the Office of Information and Regulatory Affairs: *oira_submission@omb.gov.* Attention: Federal Energy Regulatory Commission Desk Officer.

A copy of the comments should also be sent to the Commission, in Docket No. IC18–10–000, 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,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–921, Ongoing Electronic Delivery of Data from Regional Transmission Organizations and Independent System Operators.

OMB Control No.: 1902–0257.

Type of Request: Three-year extension of the FERC–921 information collection requirements with no changes to the current reporting requirements.

Abstract: The collection of data in the FERC–921 is an effort by the Commission to detect potential anti-competitive or manipulative behavior or ineffective market rules by requiring Regional Transmission Organizations (RTO) and Independent System Operators (ISO) to electronically submit, on a continuous basis, data relating to physical and virtual offers and bids, market awards, resource outputs, marginal cost estimates, shift factors, financial transmission rights, internal bilateral contracts, uplift, and interchange pricing. Individual datasets that the Commission is requesting may be produced or retained by the market monitoring units (MMUs). The Commission directed each RTO and ISO either to: (1) Request such data from its MMU, so that the RTO or ISO can deliver such data to the Commission; or (2) request its MMU to deliver such data directly to the Commission. All data for this collection has (and is expected to continue to) come from each RTO or ISO and not the MMUs. Therefore, any associated burden is counted as burden on RTO and ISO.

Each RTO or ISO may make changes to their individual markets with Commission approval. Each RTO or ISO may also change the data being sent to the Commission to ensure compliance with Order No. 760. Such changes typically require respondents to alter the ongoing delivery of data under FERC–921. For this reason, the burden estimate has been updated to reflect the incremental burden associated with such changes. The burden associated with a changes varies considerably based on the significance of the specific change, therefore, the estimate reflects the incremental burden for an average change. Based on historical patterns of change, staff estimates there to be about one and a half changes per RTO or ISO per year.

Public Comments on 60-day Notice and FERC Response: The Commission received comments from one commenter who is also a subject respondent, the New York Independent System Operator, Inc. They wrote: ''The Commission should continue to require the ongoing delivery of data in the same manner that the data is currently delivered, in accordance with FERC Order No. 760 and FERC–921.'' This comment clearly supports the Commission's request to extend the information collection without change.

Type of Respondents: Regional transmission organizations and independent system operators.

Estimate of Annual Burden: [1] The Commission estimates the average annual burden and cost [2] for this information collection as follows.

[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. Refer to 5 CFR 1320.3 for additional information.

[2] Costs (for wages and benefits) are based on wage figures from the Bureau of Labor Statistics (BLS) for

Continued

FERC–921

[Ongoing electronic delivery of data from regional transmission organizations and independent system operators]

Category	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden and cost per response (4)	Total annual burden hours and cost (3) * (4) = (5)	Annual cost per respondent ($) (5) ÷ (1)
Ongoing electronic delivery of data	6	1	[3] 6	52 hrs.; $2,460 [4]	312 hrs.; $14,758	$2,460
Changes to the delivered data made by the RTO/ISO.	6	1	[5] 6	480 hrs.; $37,848 [6].	2,880 hrs.; $227,088.	37,848
Total	6	2	12	532 hrs.; $40,308	3,192 hrs.; $241,846.	40,308

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: June 11, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–12942 Filed 6–15–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Number: PR18–56–000.

Applicants: Dow Intrastate Gas Company.

Description: Tariff filing per 284.123(b)(2)+(g): DIGCO Rate Petition to be effective 6/1/2018.

Filed Date: 6/1/18.

Accession Number: 201806015072.

Comments Due: 5 p.m. ET 6/22/18.

284.123(g) Protests Due: 5 p.m. ET 7/31/18.

Docket Number: PR18–57–000.

Applicants: Targa Midland Gas Pipeline LLC.

Description: Tariff filing per 284.123(b),(e)/: Petition for NGPA Section 311 Rate Approval to be effective 5/2/2018.

Filed Date: 6/1/18.

Accession Number: 201806015089.

Comments/Protests Due: 5 p.m. ET 6/22/18.

Docket Numbers: RP18–888–000.

Applicants: Millennium Pipeline Company, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate Service Agmt & Amd—BKV to be effective 7/1/2018.

Filed Date: 6/4/18.

Accession Number: 20180604–5079.

Comments Due: 5 p.m. ET 6/18/18.

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 date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 11, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–12952 Filed 6–15–18; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0207, OMB 3060–0233]

Information Collections Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection.

May 2016 (at *https://www.bls.gov/oes/current/naics2_22.htm*) and benefits information (for December 2017, issued March 20, 2018, at *https://www.bls.gov/news.release/ecec.nr0.htm*).

[3] Each RTO/ISO electronically submits data daily. To match with past filings, we are considering the collection of daily responses to be a single response per respondent each year.

[4] The ongoing electronic delivery of data requires a computer support specialist (code 15–1150), at an hourly cost (wages plus benefits) of $47.30 (rounded).

[5] Each RTO/ISO is estimated to make one and a half changes yearly. To be consistent with the formulation that the submissions over the course of a year constitute a single response and for the purpose of this calculation, we are assuming that each response requires one and a half changes over the course of the year and estimating burden accordingly.

[6] Changes to the delivered data require a database administrator (code 15–1141), legal review (code 23–0000), and executive review (code 11–1000). The hourly costs (wages plus benefits) are $65.07, $143.68, and $96.68, respectively. We weighted the hourly cost figure to account for the fraction of time for each skill set per response, and used an estimate of ¾, ⅛, and ⅛ respectively. We used the following formula for the weighted hourly cost figure: $65.07 (0.75) + $143.68 (0.125) + $96.68 (0.125) = $78.85 (rounded).

We estimate the total time required per change to be 320 hours. Because a response encompasses one year where there are, on average, 1.5 changes, the total time per response is 480 hours (1.5 * 320 hours).

Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before August 17, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0207.

Title: Part 11—Emergency Alert System (EAS), Order, FCC 16–32.

Form No.: N/A.

Type of Review: Revision of currently approved collection.

Respondents: Business or other for-profit; Not-for-profit institutions; State, Local, or Tribal Government.

Number of Respondents and Responses: 63,084 respondents; 3,588,240 responses.

Estimated Time per Response: 0.017 hours–100 hours.

Frequency of Response: On occasion reporting requirement, annual reporting requirement, recordkeeping requirement and third-party disclosure requirements.

Obligation to Respond: Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. 154(i) and 606 of the Communications Act of 1934, as amended.

Total Annual Burden: 140,606 hours.

Total Annual Cost: No Cost.

Privacy Act Impact Assessment: No Impact(s).

Nature and Extent of Confidentiality: State EAS Plan data and any aggregation of such data will have the same level of confidentiality as data filed in the ETRS, *i.e.,* the Commission will share individual and aggregated data on a confidential basis with other federal agencies and state governmental emergency management agencies that have confidentiality protection at least equal to that provided by the Freedom of Information Act.

Needs and Uses: Part 11 contains rules and regulations addressing the nation's Emergency Alert System (EAS). The Emergency Alert System (EAS) provides the President with the capability to provide immediate communications and information to the general public during periods of national emergency over broadcast television and radio, cable, direct broadcast radio and other EAS Participants, as defined in Section 11.11(a) of the Commission's rules. The EAS also provides state and local governments and the National Weather Service with the capability to provide immediate communications and information to the public concerning emergency situations posing a threat to life and property. The manner in which the EAS delivers alerts to the public is set forth in State EAS Plans, which are drafted by State Emergency Communications Committees (SECCs), the entities required to submit State EAS Plans to the Commission's Public Safety and Homeland Security Bureau (PSHSB) under Section 11.21 of the Commission's rules.

In this Order, the Commission adopts a rule obligating SECCs to file State EAS Plans electronically through the new Alert Reporting System (ARS), rather than in paper-based filings, the method currently approved by the Office of Management and Budget (OMB) for this collection. For the required electronic filing, the Commission has developed a proposed reporting template, attached as Appendix D to the April 10, 2018 Order, and seeks Office of Management and Budget (OMB) approval of the proposed template as a modification of a previously approved information collection. The proposed template will decrease the paperwork burden associated with this collection over time, and there is no change to any other reporting obligation in this collection. The information sought in this collection is necessary and vital to the effective electronic filing of State EAS Plans in the ARS, which will replace paper-based filing requirements, minimize the burdens on SECCs, and allow the Commission, the Federal Emergency Management Agency (FEMA), and other authorized entities to better access and use up-to-date information about the EAS, thus increasing its value as a tool to protect life and property for all Americans.

The following information collections contained in Part 11 may be impacted by this rule amendment: To establish a mandatory electronic test reporting system that EAS participants must utilize to file identifying and test result data as part of their participation in the national EAS test. The Commission noted that this electronic submission system would impose a lesser burden on EAS test participants because they could input electronically (via a web-based interface) the same information into a confidential database that the Commission would use to monitor and assess the test. This information would include identifying information such as station call letters, license identification number, geographic coordinates, EAS designation (Local Primary, National Primary, *etc*), EAS monitoring assignment, as well as a 24/7 emergency contact for the EAS Participant. The only difference, other than the electronic nature of the filing, would be the timing of the collections. Test participants would submit the identifying data.

These rules may impact currently existing paperwork collection requirements as discussed below.

Section 11.15 requires a copy of the EAS operating handbook to be located at normal duty positions or EAS

equipment locations when an operator is required to be on duty. The handbook must be immediately available to staff responsible for authenticating messages and initiating actions. Copies of the handbook are posted on the Commission's website and can be obtained at *https://www.fcc.gov/general/emergency-alert-system-eas.*

Section 11.21 requires that state and local EAS plans be reviewed and approved by the Chief, Public Safety and Homeland Security, prior to implementation to ensure that they are consistent with national plans, FCC regulations, and EAS operation.

Section 11.34 requires manufacturers to include instructions and information on how to install, operate and program an EAS Encoder, EAS Decoder, or combined unit and a list of all State and county FIPS numbers with each unit sold or marketed in the U.S. This requirement would be done in the normal course of doing business.

All EAS Participants are responsible for ensuring that EAS Encoders/Decoders and Attention Signal generating and receiving equipment used as part of the EAS are installed so that the monitoring and transmitting functions are available during the times the stations/systems are in operation. EAS Participants must determine the cause of any failure to receive the required tests or activations. When the EAS is not operating properly, section 11.35 requires appropriate entries be made in the station/system logs indicating why any tests were not received for all broadcast streams and cable systems. All other EAS Participants must also keep record indicating reasons why any tests were not received and these records must be retained for two years, maintained at the EAS Participant's headquarters, and made available for public inspection upon reasonable request.

Section 11.35 also requires that entries be made in the station/system logs, and records of other EAS Participants, when the EAS Encoder/Decoder becomes defective showing the date and time the equipment was removed and restored to service. If replacement of defective equipment is not completed within 60 days, an informal request shall be submitted to the District Director of the FCC field office. For DBS and SDARS providers, this informal request shall be submitted to the District Director of the FCC field office serving the area where their headquarters is located. This request must explain what steps have been taken to repair or replace the defective equipment, the alternative procedures being used while the defective equipment is out of service and when the defective equipment will be repaired or replaced.

Section 11.41 allows all EAS Participants to submit a written request to the FCC asking to be a Non-Participating National source. In addition, a Non-Participating National source that wants to become a Participating National source must submit a written request to the FCC.

Section 11.42 allows a communications common carrier to participate in the national level EAS, without charge. A communications common carrier rendering free service is required to file with the FCC, on or before July 31st and January 31st of each year, reports covering the six months ending on June 30th and December 31st respectively. These reports shall state what free service was rendered under this rule and the charges in dollars which would have accrued to the carrier for this service if charges had been collected at the published tariff rates if such carriers are required to file tariffs.

Section 11.43 allows entities to voluntarily participate in the national level EAS after submission of a written request to the Chief, Public Safety and Homeland Security Bureau.

Section 11.51 requires that EAS equipment be operational, ready to monitor, transmit and receive EAS electronic signals. Cable and wireless cable systems, both analog and digital, can elect not to interrupt EAS messages from broadcast stations based upon a written agreement between all concerned. Furthermore, cable and wireless cable systems, both analog and digital, can elect not to interrupt the programming of a broadcast station carrying news or weather-related emergency information with state and local EAS messages based upon a written agreement between all concerned. These written agreements are contained in state and local franchise agreements.

Section 11.51 also requires all actions to be logged when manual interruption of programming and transmission of EAS messages is used. Estimates for testing are included in the estimate for section 11.61.

Section 11.52 requires all EAS Participants to monitor two EAS sources. If the required EAS sources cannot be received, alternate arrangements or a waiver may be obtained by written request to the FCC's EAS office. In an emergency, a waiver may be issued over the telephone with a follow-up letter to confirm temporary or permanent reassignment. In addition, EAS Participants are required to interrupt normal programming either automatically or manually when they receive an EAS message in which the header code contains the event codes for emergency action notification, emergency action termination and required monthly test for their state or state/county location.

Section 11.54 requires EAS Participants to enter into their logs/records the time of receipt of an emergency alert notice and an emergency action termination messages during a national level emergency.

Section 11.55 requires EAS participants to monitor their emergency alert system upon receipt of a state or local area EAS message. Stations/systems must also enter into their logs/records the time of receipt of an emergency alert message. If an SDARS licensee or DBS provider is unable to receive and transmit state and local EAS messages, it must inform its subscribers, on its website, and in writing on an annual basis of which channels are and are not capable of supplying state and local EAS messages.

Section 11.61 requires EAS Participants to conduct periodic EAS tests. Tests of the EAS header codes, attention signal, test script and EOM code are required to be performed monthly. Tests of the EAS header codes and end of message codes are made at least once a week. National primary sources shall participate in tests as appropriate. DBS providers, Class D non-commercial educational FM stations and low power TV stations are not required to transmit this test but must log receipt of the test. The FCC may request a report of the tests of the national primary sources. In addition, entries must be made in stations/systems logs/records as previously stated.

This information is used by FCC staff as part of routine inspections of EAS Participants. Accurate recordkeeping of this data is vital in determining the location and nature of possible equipment failure on the part of the transmitting or receiving entity. Furthermore, since the national level EAS is solely for the President's use, its proper operation must be assured.

OMB Control Number: 3060–0233.

Title: Part 54—High-Cost Loop Support Reporting to National Exchange Carrier Association (NECA).

Form Number(s): FCC Form 507, FCC Form 508 and FCC Form 509.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 1,095 respondents; 3,616 responses.

Estimated Time per Response: 1–22 hours.

Frequency of Response: On occasion and annual reporting requirements, recordkeeping 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, 214, 218–220, 221(c), 254, and 303(r).

Total Annual Burden: 41,070 hours.

Total Annual Cost: No Cost. Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: No assurance of confidentiality has been given regarding the information. However, respondents may request materials or information submitted to the Commission be withheld from public inspection under 47 CFR 0.459 of the FCC's rules.

Needs and Uses: In order to determine which carriers are entitled to universal service support, all rate-of-return regulated (rate-of-return) incumbent local exchange carriers (LECs) must provide the National Exchange Carrier Association (NECA) with the loop cost and loop count data required by section 54.1305 for each of its study areas and, if applicable, for each wire center as that term is defined in 47 CFR part 54. See 47 CFR 54.1305 and 54.5. The loop cost and loop count information is to be filed annually with NECA by July 31st of each year, and may be updated occasionally pursuant to section 54.1306. See 47 CFR 54.1306. Pursuant to section 54.1307, the information filed on July 31st of each year will be used to calculate universal service support for each study area and is filed by NECA with the Commission on October 1 of each year. See 47 CFR 54.1307. An incumbent LEC is defined as a carrier that meets the definition of ''incumbent local exchange carrier'' in section 51.5 of the Commission's rules. See 47 CFR 51.5.

In March 2016, the Commission adopted the *Rate-of-Return Reform Order* to continue modernizing the universal service support mechanisms for rate-of-return carriers. *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) (*Rate-of-Return Reform Order and Further Notice*). The *Rate-of-Return Reform Order* replaces the Interstate Common Line Support (ICLS) mechanism with the Connect America Fund—Broadband Loop Support (CAF–BLS) mechanism. While ICLS supported only lines used to provide traditional voice service (including voice service bundled with broadband service), CAF–BLS also supports consumer broadband-only loops. FCC Forms 507, 508, and 509 include additional line counts, forecasted cost and revenues, and actual cost and revenue data associated with consumer broadband-only loops necessary for the calculation of CAF–BLS. We propose to move the requirements associated with FCC Form 507, FCC Form 508, FCC Form 509 under OMB Control Number 3060–0986 into this collection.

The Commission therefore proposes to revise this information collection. Any increased burdens are associated with the moving of these requirements and forms into this information collection.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2018–13022 Filed 6–15–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 6, 2018.

A. Federal Reserve Bank of Minneapolis (Mark A. Rauzi, Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *John H. Dammermann, Fort Myers, Florida;* to acquire voting shares of First BancShares, Inc. and thereby indirectly acquire voting shares of Granite Community Bank, both of Cold Spring, Minnesota.

Board of Governors of the Federal Reserve System, June 13, 2018.

Ann Misback,

Secretary of the Board.

[FR Doc. 2018–12979 Filed 6–15–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee on Breast Cancer in Young Women (ACBCYW)

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

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting for the Advisory Committee on Breast Cancer in Young Women (ACBCYW). This meeting is open to the public, limited only by audio phone lines (100 audio lines available and 100 web conference lines available).

DATES: The meeting will be held on August 6, 2018, 1:00 p.m. to 5:00 p.m., EDT. Registration must be submitted no later than July 31, 2018 (See **SUPPLEMENTARY INFORMATION** for how to register).

ADDRESSES: The public is also welcome to listen to the meeting by accessing the call-in number, 1–888–989–0726, passcode, 5698676 (100 lines are available). The web conference access is *https://adobeconnect.cdc.gov/r1hixcynbai/.* Online registration is required (See **SUPPLEMENTARY INFORMATION** for how to register).

FOR FURTHER INFORMATION CONTACT: Temeika L. Fairley, Ph.D., Designated Federal Officer, National Center for Chronic Disease Prevention and Health Promotion, CDC, 5770 Buford Highway NE, Mailstop K52, Atlanta, Georgia, 30341, Telephone (770) 488–4518, Fax (770) 488–4760. Email: *acbcyw@cdc.gov.*

SUPPLEMENTARY INFORMATION:

How to register for the meeting: All ACBCYW Meeting participants must register online at least 7 business days in advance at *https://www.cdc.gov/cancer/breast/what_cdc_is_doing/conference.htm.* Please complete all the required fields before submitting your registration, and submit no later than July 31, 2018.

Purpose: The committee provides advice and guidance to the Secretary, HHS; the Assistant Secretary for Health; and the Director, CDC, regarding the formative research, development, implementation and evaluation of evidence-based activities designed to prevent breast cancer (particularly among those at heightened risk) and promote the early detection and support of young women who develop the

disease. The advice provided by the Committee will assist in ensuring scientific quality, timeliness, utility, and dissemination of credible appropriate messages and resource materials.

Matters to be Considered: The agenda will include discussions on current and emerging topics related to breast cancer in young women. These will include public health communication, breast cancer in young women digital and social media campaign, CDC updates, and updates from the field. Agenda items are subject to change as priorities dictate.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2018–13047 Filed 6–15–18; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–18–17AUZ]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled ''Project NICE: Navigating Insurance Coverage Expansion'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on November 13, 2017, to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Project NICE: Navigating Insurance Coverage Expansion—New—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC is requesting a three-year approval to evaluate the efficacy of an in-person health insurance enrollment assistance intervention among 1,000 Black and Hispanic men who have sex with men (MSM) and transgender persons ages ≥18 years living in the Chicago, Illinois metropolitan area.

In 2013, MSM accounted for 81% of new HIV infections among males and 65% of all new HIV infections. In 2010 African Americans comprised only 12% of the US population, but Black MSM nearly equaled White MSM in numbers of new HIV infections (10,600 and 11,200, respectively). In 2010 Hispanics comprised 17% of the US population, and Hispanic MSM accounted for 22% (6,700) of all new HIV infections. A 2008 systematic review found HIV rates among Black and Hispanic transgender women to be 56% and 16%, respectively. Contributing to these disproportionate HIV rates are that Black and Hispanic MSM and transgender persons face obstacles in seeking medical care and following through with referrals or appointments, including lack of health insurance.

The intervention being evaluated in this study (in-person health insurance enrollment assistance) is not a new activity. This study will evaluate whether moving the delivery of in-person health insurance enrollment assistance, from the first clinic visit after receipt of an HIV test result, to earlier in the care continuum during the HIV testing event, will impact health outcomes. Because this study does not introduce new intervention activities, only reorders the sequence of delivery of standard practice, the burden to the participant experience will be data collection forms and research procedures only.

The goal of this study is to test whether providing a point of care, in-person assistance in enrolling in private health insurance or Medicaid for the first time, changing to a different insurance plan, or understanding how to use current insurance policies following HIV testing will (1) increase the proportion of participants who obtain health insurance; (2) result in better health outcomes among participants (*e.g.,* achieving viral suppression, remaining HIV negative); (3) improve the linkage and retention rates for HIV care (*i.e.,* HIV treatment, Pre-exposure Prophylaxis (PrEP)) and other HIV-associated health services (*e.g.,* mental health counseling, substance use treatment) of participants, especially those diagnosed with HIV; and (4) increase HIV care linkage and retention rates sufficiently to justify the cost of implementing the intervention (cost-benefit analysis) among Black and Hispanic MSM and transgender persons age 18 or older in the Chicago, Illinois metropolitan area.

This study is funded through a cooperative agreement between CDC and the University of Chicago Medicine. Three partner agencies will conduct the intervention: (1) University of Chicago Medicine (the lead partner agency), (2) Howard Brown Health, and (3) Chicago House and Social Service Agency (Chicago House). These three partner agencies currently provide in-person health insurance enrollment assistance, linkage to care (HIV-related treatment, primary care), and patient navigation services to the study population.

This study uses a randomized controlled trial design, which will enhance scientific validity and the policy impact of the intervention, and help researchers assess the efficacy of this intervention as an emerging

practice. This study aligns with National HIV/AIDS Strategy 2020 and Healthy People 2020 objectives of reducing new HIV infections, increasing access to care and improving health outcomes for people living with HIV, and reducing HIV-related health disparities. This study also aligns with the Office of Management and Budget's emphasis on application of behavioral insights in that it restructures the context (*i.e.,* after HIV testing) in which health-related decision-making (*i.e.,* health insurance enrollment) occurs in order to promote the selection of beneficial options (*i.e.,* attending HIV-related medical care appointments). This proposed health insurance enrollment assistance study has the potential for widespread health improvements for Black and Hispanic MSM and transgender persons regardless of their HIV status.

At this time, CDC is not partnering with other HHS agencies for this study. However, we have discussed the study with HRSA/HAB and HHS/OD, and plan to apprise CMS and HRSA of the project before implementation and invite CMS and HRSA representatives to serve as consultants. HHS may also direct us to the CMS regional officer for Chicago, Illinois. Additionally, there is the potential to have CMS grantee navigators supplement partner agency navigators during outreach HIV testing events. For this study, CDC is not engaged in research, and therefore not involved in data collection activities. The grantee is responsible for implementing the intervention and collecting data from the proposed 1,000 participants. Thus, CDC will not need an interagency data-sharing agreement if we do consult with HRSA or CMS.

The study will enroll 1,000 participants over 12 months to reach adequate power calculations (500 into the intervention arm, and 500 into the control arm). Approximately 1,500 individuals will need to be screened to identify and enroll 1,000 eligible study participants. After an HIV testing session at an outreach event or clinic visit, partner agency staff will invite individuals to participate in the study. If individuals are interested, staff will screen individuals for eligibility using the Participant Eligibility Form (Attachment 5) which will take approximately 5 minutes to complete. If they are determined eligible to participate, and still interested in participating, the individual will complete an Informed Consent Form (Attachment 6), which will take approximately 10 minutes to complete, and the Participant Enrollment Form (Attachment 7), which will take approximately 35 minutes to complete. The total estimated annualized hourly burden anticipated for this study is 875 hours. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Study participant	Participant Eligibility Form (Att 5)	1,500	1	5/60
Study participant	Informed Consent Form (Att 6)	1,000	1	10/60
Study participant	Participant Enrollment Form (Att 7)	1,000	1	35/60

Jeffrey M. Zirger,

Acting Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2018–12971 Filed 6–15–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–18–0530]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) Dose Reconstruction Interviews and Forms to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on February 20, 2018 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

EEOICPA Dose Reconstruction Interviews and Forms, OMB No. 0920–0530, expires 04/30/2018—Reinstatement without change—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

On October 30, 2000, the Energy Employees Occupational Illness

Compensation Program Act of 2000 (42 U.S.C. 7384–7385) was enacted. This Act established a federal compensation program for employees of the Department of Energy (DOE) and certain of its contractors, subcontractors and vendors, who have suffered cancers and other designated illnesses as a result of exposures sustained in the production and testing of nuclear weapons.

Executive Order 13179, issued on December 7, 2000, delegated authorities assigned to ''the President'' under the Act to the Departments of Labor, Health and Human Services, Energy and Justice. The Department of Health and Human Services (DHHS) was delegated the responsibility of establishing methods for estimating radiation doses received by eligible claimants with cancer applying for compensation. NIOSH is applying the following methods to estimate the radiation doses of individuals applying for compensation.

In performance of its dose reconstruction responsibilities, under the Act, NIOSH is providing voluntary interview opportunities to claimants (or their survivors) individually and providing them with the opportunity to assist NIOSH in documenting the work history of the employee by characterizing the actual work tasks performed. In addition, NIOSH and the claimant may identify incidents that may have resulted in undocumented radiation exposures, characterizing radiological protection and monitoring practices, and identify co-workers and other witnesses as may be necessary to confirm undocumented information. In this process, NIOSH uses a computer assisted telephone interview (CATI) system, which allows interviews to be conducted more efficiently and quickly as opposed to a paper-based interview instrument. Both interviews are voluntary and failure to participate in either or both interviews will not have a negative effect on the claim, although voluntary participation may assist the claimant by adding important information that may not be otherwise available.

There are no changes to the questions contained in the package, or the estimated burden hours. This Information Collection Request (ICR) is being submitted as a reinstatement because the previous ICR expired on April 30, 2018 and the updated ICR was not submitted before the expiration date. NIOSH uses the data collected in this process to complete an individual dose reconstruction that accounts, as fully as possible, for the radiation dose incurred by the employee in the line of duty for DOE nuclear weapons production programs. After dose reconstruction, NIOSH also performs a brief, voluntary final interview with the claimant to explain the results and to allow the claimant to confirm or question the records NIOSH has compiled. This will also be the final opportunity for the claimant to supplement the dose reconstruction record.

At the conclusion of the dose reconstruction process, the claimant submits a form to confirm that the claimant has no further information to provide to NIOSH about the claim at this time. The form notifies the claimant that signing the form allows NIOSH to forward a dose reconstruction report to DOL and to the claimant, and closes the record on data used for the dose reconstruction. Signing this form does not indicate that the claimant agrees with the outcome of the dose reconstruction. The dose reconstruction results will be supplied to the claimant and to the DOL, the agency that will utilize them as one part of its determination of whether the claimant is eligible for compensation under the Act.

Total annualized burden is estimated to be 3900 hours. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Claimant	Initial Interview	3,600	1	1
Claimant	Conclusion form OCAS–1	3,600	1	5/60

Jeffrey M. Zirger,

Acting Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2018–12972 Filed 6–15–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–0286]

Agency Information Collection Activities; Proposed Collection; Comment Request; Guidance for Industry: Formal Meetings Between the Food and Drug Administration and Biosimilar Biological Product Sponsors or Applicants

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on formal meetings between FDA and biosimilar biological product sponsors or applicants.

DATES: Submit either electronic or written comments on the collection of information by August 17, 2018.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before August 17, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time

at the end of August 17, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2013–D–0286 for ''Guidance for Industry: Formal Meetings Between Between the FDA and Biosimilar Biological Product Sponsors or Applicants.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Guidance for Industry: Formal Meetings Between the FDA and Biosimilar Biological Product Sponsors or Applicants

OMB Control Number 0910–0802—Extension

The Biologics Price Competition and Innovation Act of 2009, the Biosimilar User Fee Act of 2012, and the recent passage of the Biosimilar User Fee Amendments of 2017 (BsUFA II) under Title IV of the Food and Drug Administration Reauthorization Act of 2017, authorizes user fees for biosimilar biological products. FDA has committed to meeting certain performance goals in connection with the reauthorized biosimilar user fee program. FDA developed a guidance for industry entitled ''Formal Meetings Between FDA and Biosimilar Biological Products Sponsors or Applicants'' to provide recommendations to industry on formal meetings between FDA and sponsors or applicants relating to the development and review of biosimilar biological products regulated by the Center for Drug Evaluation and Research (CDER) or the Center for Biologics Evaluation and Research (CBER) and assist sponsors and applicants in generating and submitting meeting requests and the associated meeting packages to FDA for biosimilar biological products. The guidance describes FDA's current

thinking on how the Agency intends to interpret and apply certain provisions of BsUFA II and provides information on specific performance goals for the management of meetings associated with the development and review of biosimilar biological products. The guidance includes two types of information collections: (1) The submission of a meeting request containing certain information and (2) the submission of the information package(s) that accompany the meeting request. This information collection supports this Agency guidance document.

A. Request for a Meeting

Under the guidance, a sponsor or applicant interested in meeting with CDER or CBER should submit a meeting request to the sponsor's or applicant's application (*i.e.,* investigational new drug application, biologics license application). If there is no application, a sponsor or applicant should submit the request to either the appropriate CDER division director, with a copy sent to the division's chief of project management staff, or to the division director of the appropriate product office within CBER. However, a sponsor or applicant should only submit such a request after first contacting the appropriate review division or the Biosimilars Program staff, CDER, Office of New Drugs, to determine to whom the request should be directed, how it should be submitted, the appropriate format for the request, and to arrange for confirmation of receipt of the request.

Under the guidance, FDA requests that sponsors and applicants incorporate certain information in the meeting request including:

1. Product name,
2. application number (if applicable),
3. proposed proper name or proper name (post licensure),
4. structure,
5. reference product name,
6. proposed indication(s) or context of product development,
7. meeting type being requested (the rationale for requesting the meeting type should be included),
8. a brief statement of the purpose of the meeting, including a brief background of the issues underlying the agenda and, as applicable, a brief summary of completed or planned studies and clinical trials or data the sponsor or applicant intends to discuss at the meeting, the general nature of the critical questions to be asked, and where the meeting fits in the overall development plans,
9. a list of specific objectives/outcomes expected from the meeting,
10. a proposed agenda, including times required for each agenda item,
11. a list of questions grouped by discipline and a brief explanation of the context and purpose of each question,
12. a list of all individuals with their titles and affiliations who will attend the requested meeting from the requestor's organization and consultants,
13. a list of FDA staff, if known, or disciplines asked to participate in the requested meeting,
14. suggested dates and times for the meeting, and
15. the proposed format of the meeting (*i.e.,* face to face meeting, teleconference, or videoconference).

This information is be used by FDA to facilitate formal meetings with biosimilar biological product sponsors.

B. Information Package

FDA requests that a sponsor or applicant submit a meeting package to the appropriate review division with the meeting request. FDA recommends that the information packages generally include:

1. Product name and application number (if applicable),
2. proposed proper name or proper name (post licensure),
3. structure,
4. reference product name,
5. proposed indication(s) or context of product development,
6. dosage form, route of administration, dosing regimen (frequency and duration), and presentation(s),
7. a list of all sponsor's or applicant's attendees and consultants with their titles and affiliations who will attend the requested meeting,
8. background that includes a brief history of the development program and the status of product development (*e.g.,* chemistry, manufacturing, and controls; nonclinical; and clinical, including any development outside the United States, as applicable),
9. a brief statement summarizing the purpose of the meeting,
10. the proposed agenda,
11. a list of questions for discussion grouped by discipline and with a brief summary for each question to explain the need or context for the question, and
12. data to support discussion of the listed questions, organized by discipline and question.

The purpose of the meeting package is to provide FDA staff the opportunity to adequately prepare for the meeting, including the review of relevant data concerning the product.

Description of Respondents: A sponsor or applicant for a biosimilar biological product who requests a formal meeting with FDA regarding the development and review of a biosimilar biological product.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Guidance for Industry: Formal Meetings Between FDA and Biosimilar Biological Product Sponsors or Applicants	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
CDER Meeting Requests	36	2.5	89	15	1,335
CBER Meeting Requests	2	1	2	15	30
CDER Information Packages	29	2.2	64	30	1,920
CBER Information Packages	2	2	4	30	120
Total					3,405

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Since the last OMB approval there has been an increase in meeting requests with CDER and a corresponding increase in the number of information packages. Accordingly, we have adjusted our estimate of CDER meeting requests upward by six respondents. We attribute this change to an increase in biosimilar product development.

Dated: June 13, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–12968 Filed 6–15–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–1216]

Technical Specifications for Electronic Submissions; Establishment of a Public Docket

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket.

SUMMARY: The Food and Drug Administration (FDA or Agency) is establishing a public docket to receive information, recommendations, and comments on matters related to the Agency's publication of technical specifications, which explain, clarify, and define the specific use of data standards in new drug applications (NDAs), abbreviated new drug applications (ANDAs), biologics license applications (BLAs), and certain investigational new drug applications (INDs) to the Center for Biologics Evaluation and Research (CBER) and the Center for Drug Evaluation and Research (CDER). This docket is intended for general comments related to technical specifications that are not specific to documents or issues that are the subject of other dockets, or for comments specific to electronic submission guidances.

DATES: The announcement of this establishment of a public docket is published in the **Federal Register** on June 18, 2018.

ADDRESSES: You may submit either electronic or written comments to this docket at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–D–1216 for ''Technical Specifications for Electronic Submissions; Establishment of a Public Docket.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure laws. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Ron Fitzmartin, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 1115, Silver Spring, MD 20993–0002, 301–796–5333, *ronald.fitzmartin@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 745A of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 379k–1) requires that submissions under section 505(b), (i), or (j) of the FD&C Act (21 U.S.C. 355(b), (i), or (j)) and submissions under section 351(a) or (k) of the Public Health Service Act (42 U.S.C. 262(a) or (k)) be submitted in the electronic format specified by FDA, beginning no earlier than 24 months after FDA issues a final guidance specifying an electronic submission format.

The Agency has concluded it is not feasible to describe and implement the electronic format or formats that would apply to all the submissions covered by section 745A(a) in one guidance document. Therefore, FDA issued the guidance for industry ''Providing Regulatory Submissions in Electronic Format—Submissions under Section 745A(a) of the Federal Food, Drug, and Cosmetic Act,'' which describes how FDA interprets the electronic submission requirements of section 745A(a) of the FD&C Act (see *https://www.fda.gov/downloads/drugs/guidances/ucm384686.pdf*).

To assist sponsors in the submission of data in standardized electronic format in NDAs, ANDAs, BLAs, and certain INDs, CBER and CDER have developed technical specifications guidances which provide useful technical specifications, recommendations, and general considerations for submitting standardized data and related information in electronic format. Technical specifications guidances are guidances that explain, clarify, and define the specific use of data standards

in regulatory submissions. Technical specifications guidances are available at: *https://www.fda.gov/ForIndustry/DataStandards/default.htm.*

II. Establishment of a Docket

FDA is establishing a public docket so that anyone can share information, comments, and ideas on any matters related to the use of technical specifications that are not specific to the documents or issues addressed in other dockets. This information will give the Agency insight into stakeholders' experiences and views regarding the use of technical specifications guidances and the data standards they contain. The docket also permits anyone to share information, comments, or ideas that are specific to one or more technical specifications guidances. Instructions regarding how to submit comments to specific technical specifications documents have been posted within the docket.

This docket will be open for comment simultaneously with several other dockets that are specific to particular electronic common technical document (eCTD) submissions and FDA data standards documents. (For more information on eCTD submissions and FDA data standards, see *https://www.fda.gov/Drugs/DevelopmentApprovalProcess/FormsSubmissionRequirements/ElectronicSubmissions/ucm153574.htm* and *https://www.fda.gov/ForIndustry/DataStandards/default.htm,* respectively). Do not submit comments to this general docket that have already been submitted to other dockets. As FDA finalizes specific documents or requests comments on specific issues for which another docket exists, the Agency will generally consider only those comments that have been submitted to that specific docket. Do not submit comments related to another specific docket to this general technical specifications docket, as the Agency may not consider them. FDA will not respond directly to questions or requests submitted to this docket but will consider any submitted information in its work to develop and issue technical specifications guidances.

Dated: June 12, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–12969 Filed 6–15–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–2155]

Foods Produced Using Animal Cell Culture Technology; Public Meeting; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; request for comments.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing a public meeting entitled ''Foods Produced Using Animal Cell Culture Technology.'' FDA is holding the public meeting to provide the public with an opportunity to provide comments related to the production of foods using animal cell culture technology.

DATES: The public meeting will be held on July 12, 2018, from 8:30 a.m. until 3 p.m. EST. Submit either electronic or written comments on this public meeting by September 25, 2018. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: The public meeting will be held at the Food and Drug Administration, Center for Food Safety and Applied Nutrition, Wiley Auditorium, 5001 Campus Dr., College Park, MD 20740.

You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before September 25, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of September 25, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–N–2155 for ''Foods Produced Using Animal Cell Culture Technology; Public Meeting; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' We will review this copy, including the claimed confidential information, in our consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly

available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT:

Juanita Yates, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–1731, *Juanita.yates@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Technological advances and consumer interest are spurring development of commercial-scale production of foods that are intended to resemble traditional meat, poultry, and seafood but are manufactured using, generally, a small amount of cells from the type of animal the food is intended to resemble. The collected cells are multiplied using nontraditional food technologies adapted from cell culture applications widely used in research and increasingly in medicine. We expect that most or all starter cells for food applications will come from living animals for the foreseeable future for commercial and marketing reasons (for example, firms currently working on developing these food applications appear to be targeting consumers motivated by animal welfare concerns). Currently, animal cells can be produced from the starter cells in bioreactors, a scaled-up application of traditional cell culture techniques. Firms are also working to commercialize processes by which cells can be cultured using biocompatible scaffolding or other techniques to permit the formation of complex tissues, similar to strategies being explored for therapeutic organ or tissue replacement. In either case, a significant technical challenge with respect to the use of animal cell culture technology to develop foods intended to resemble traditional meat, poultry, and seafood products involves the development of the growth medium used to multiply the cells and ensure that they differentiate into the correct cell types. Commercial incentives are driving research into non-animal derived components for such media instead of traditional animal-derived materials. Finally, after creation, both suspension-cultured (unstructured) and scaffold-cultured (structured) products would be further processed using traditional food technologies, including seasoning, forming, and packaging.

Just as we have been in the past with respect to rapidly evolving areas of technological innovation in food, FDA will be involved in the regulation of foods generated by animal cell culture technology in light of our broad statutory authority and our extensive expertise and experience in relevant scientific areas. Currently, FDA evaluates microbial, algal, and fungal cells generated by large-scale culture and used as direct food ingredients, administers safety assessment programs for a broad array of food ingredients and foods derived from genetically engineered plants, manages safety issues associated with animal cell culture technology in therapeutic settings, and manages risks associated with the processing, manufacture, and packaging of food incorporating seafood tissues.

Under the Federal Food, Drug, and Cosmetic Act, FDA has jurisdiction over ''food,'' which includes ''articles used for food'' and ''articles used for components of any such article.'' Thus, as a starting point, both substances used in the manufacture of these products of animal cell culture technology and the products themselves that will be used for food are subject to FDA's jurisdiction and applicable statutory and regulatory food safety and food labeling requirements.

The use of animal cell culture technology as a method of food production and manufacturing involves many interesting issues from both technical and regulatory perspectives. FDA believes that all stakeholders will benefit from a robust and open dialogue that explores these issues and gathers relevant data and information. The primary subject of this notice is food safety, but FDA recognizes the importance of other issues related to foods produced through animal cell culture technology such as naming. Although not the primary subject of this notice, FDA welcomes comment on these other issues and expects that they will be the focus of future engagement with stakeholders and the public.

II. Topics for Discussion at the Public Meeting

FDA is holding the public meeting to provide the public with an opportunity to provide comments related to production of foods using animal cell culture technology. We invite interested persons, including those participating in the public meeting, to provide information on topics such as the following (a more detailed agenda will be made available prior to the meeting):

- FDA has evaluated a variety of foods produced by cell culture, including microbial (*e.g.,* probiotics), algal (*e.g.,* spirulina), and fungal products (*e.g.,* mycoprotein). What considerations specific to animal cell culture technology would be appropriate to include in evaluation of food produced by this method of manufacture?
- FDA has issued guidance on how to assess the effects of significant manufacturing process changes on the safety of a food ingredient. (See ''Guidance for Industry: Assessing the Effects of Significant Manufacturing Process Changes, Including Emerging Technologies, on the Safety and Regulatory Status of Food Ingredients and Food Contact Substances, Including Food Ingredients that Are Color Additives'' at *https://www.fda.gov/RegulatoryInformation/Guidances/ucm300661.htm.*) What kinds of variations in manufacturing methods would be relevant to safety for foods produced by animal cell culture technology?
- FDA has a variety of pre- and postmarket programs for evaluating the safety of substances used in the production and manufacture of foods, including, for example, food additive and color additive regulations and preventive control requirements. What kinds of substances would be used in the manufacture of foods produced using animal cell culture technology and what considerations would be appropriate in evaluating the safety of these uses?
- Are the hazards associated with production of foods using animal cell culture technology different from those associated with traditional food production/processing (such as, for example, insanitary conditions, improper temperature controls, or control of contaminants)? Is there a need for unique control measures to address the hazards associated with production of foods using animal cell culture technology?

III. Participating in the Public Meeting

Registration: To register for the public meeting, please visit the following

website: *https://www.fda.gov/Food/NewsEvents/WorkshopsMeetingsConferences/default.htm.* Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone.

Registration is free and based on space availability, with priority given to early registrants. Persons interested in attending this public meeting must register by July 5, 2018. Early registration is recommended because seating is limited; therefore, FDA may limit the number of participants from each organization. Registrants will receive confirmation when they have been accepted.

If you need special accommodations due to a disability, please contact Juanita Yates (see **FOR FURTHER INFORMATION CONTACT**) no later than June 28, 2018.

Requests for Oral Presentations: During online registration you may indicate if you wish to present during a public comment session and which topic(s) you wish to address. We will do our best to accommodate requests to make public comments. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations, and request time for a joint presentation. Following the close of registration, we will determine the amount of time allotted to each presenter and the approximate time each oral presentation is to begin, and will select and notify participants by July 3, 2018. Speakers will be limited to making oral remarks; there will not be an opportunity to display materials such as slide shows, videos, or other media during the meeting. All requests to make oral presentations must be received by June 28, 2018. No commercial or promotional material will be permitted to be presented or distributed at the public meeting.

Streaming Webcast of the Public Meeting: This public meeting will also be webcast. Webcast participants are asked to preregister at *https://www.fda.gov/Food/NewsEvents/WorkshopsMeetingsConferences/default.htm.*

Transcripts: Please be advised that as soon as a transcript of the public meeting is available, it will be accessible at *https://www.regulations.gov.* It may be viewed at the Dockets Management Staff (see **ADDRESSES**). A link to the transcript will also be available on the internet at *https://www.fda.gov/Food/NewsEvents/WorkshopsMeetingsConferences/default.htm.*

Other Issues for Consideration: A summary of key information on participating in the meeting follows:

TABLE 1—INFORMATION ON PARTICIPATION IN THE MEETING

Date	Address	Preregister	Electronic address	Request to make an oral presentation	Special accommodations	Submit either electronic or written comments
July 12, 2018, from 8:30 a.m. until 3 p.m. EDT.	Food and Drug Administration, Center for Food Safety and Applied Nutrition, Wiley Auditorium, 5001 Campus Drive, College Park, MD 20740.	July 5, 2018: Closing date for registration.	*https://www.fda.gov/Food/NewsEvents/WorkshopsMeetingsConferences/default.htm.*	June 28, 2018	June 28, 2018: Closing date to request special accommodations due to a disability.	Submit Comments by September 25, 2018 to: *https://www.regulations.gov,* or Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: June 8, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–12939 Filed 6–15–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–2016]

Epidermolysis Bullosa: Developing Drugs for Treatment of Cutaneous Manifestations; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Epidermolysis Bullosa: Developing Drugs for Treatment of Cutaneous Manifestations.'' The purpose of this draft guidance is to assist sponsors with the development of drugs for treatment or prevention of the serious cutaneous manifestations of the heterogeneous group of disorders collectively known as epidermolysis bullosa (EB). There is an unmet medical need for EB patients due to the paucity of effective treatment options.

DATES: Submit either electronic or written comments on the draft guidance by August 17, 2018 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and

identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–D–2016 for ''Epidermolysis Bullosa: Developing Drugs for Treatment of Cutaneous Manifestations; Draft Guidance for Industry.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002, or Office of Communication, Outreach, and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Barbara Gould, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 5166, Silver Spring, MD 20993–0002, 301–796–4224; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Epidermolysis Bullosa: Developing Drugs for Treatment of Cutaneous Manifestations.'' The purpose of this draft guidance is to assist sponsors with the development of drugs for treatment or prevention of the serious cutaneous manifestations of the heterogeneous group of disorders collectively known as EB. There is an unmet medical need for EB patients due to the paucity of effective treatment options.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Epidermolysis Bullosa: Developing Drugs for Treatment of Cutaneous Manifestations.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 312 have been approved under OMB control number 0910–0014.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://www.fda.gov/Drugs/GuidanceCompliance RegulatoryInformation/Guidances/default.htm, https://www.fda.gov/BiologicsBloodVaccines/GuidanceCompliance RegulatoryInformation/default.htm,* or *https://www.regulations.gov.*

Dated: June 12, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–12976 Filed 6–15–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–D–2569]

S9 Nonclinical Evaluation for Anticancer Pharmaceuticals—Questions and Answers; International Council for Harmonisation; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled ''S9 Nonclinical Evaluation for Anticancer Pharmaceuticals—Questions and Answers.'' The guidance was prepared under the auspices of the International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use (ICH), formerly the International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use. The guidance consists of questions and answers that were developed to provide additional clarity about anticancer pharmaceutical development described in the ICH guidance ''S9 Nonclinical Evaluation for Anticancer Pharmaceuticals'' that was published in 2010 (ICH S9 (2010)), as well as to continue progress in the 3Rs of Reduction, Refinement, and Replacement in the use of animals.

DATES: The announcement of the guidance is published in the **Federal Register** on June 18, 2018.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2016–D–2569 for ''S9 Nonclinical Evaluation for Anticancer Pharmaceuticals—Questions and Answers.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff office between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002, or the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. The guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT:

Regarding the guidance: John K. Leighton, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 2204, Silver Spring, MD 20993–0002, 301–796–1398; or Anne M. Pilaro, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 4023, Silver Spring, MD 20993–0002, 240–402–8341.

Regarding the ICH: Amanda Roache, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 1176, Silver Spring, MD 20993–0002, 301–796–4548.

SUPPLEMENTARY INFORMATION:

I. Background

In recent years, regulatory authorities and industry associations from around the world have participated in many important initiatives to promote international harmonization of regulatory requirements under the ICH. FDA has participated in several ICH meetings designed to enhance harmonization and FDA is committed to seeking scientifically-based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify and reduce differences in technical requirements for drug development among regulatory agencies.

ICH was established to provide an opportunity for harmonization initiatives to be developed with input from both regulatory and industry representatives. FDA also seeks input from consumer representatives and others. ICH is concerned with harmonization of technical requirements for the registration of pharmaceutical products for human use among regulators around the world. The six founding members of the ICH are the European Commission; the European Federation of Pharmaceutical Industries Associations; FDA; the Japanese Ministry of Health, Labour, and Welfare; the Japanese Pharmaceutical Manufacturers Association; and the Pharmaceutical Research and Manufacturers of America. The Standing Members of the ICH Association include Health Canada and Swissmedic. Any party eligible as a Member in accordance with the ICH Articles of Association can apply for membership in writing to the ICH Secretariat. The ICH Secretariat, which coordinates the preparation of documentation, operates as an international nonprofit organization and is funded by the Members of the ICH Association.

The ICH Assembly is the overarching body of the ICH Association and includes representatives from each of the ICH members and observers. The

ICH Assembly is responsible for the endorsement of draft guidelines and adoption of final guidelines. FDA publishes ICH guidelines as FDA guidances.

ICH S9 (2010) was a significant advance in harmonizing anticancer drug development. Implementation of ICH S9 (2010) has revealed areas that are open to broad and divergent interpretation by both regulatory authorities and industry. For this reason, an Implementation Working Group (IWG) was formed in October 2014 to provide additional clarity about anticancer pharmaceutical development. The questions and answers developed by the IWG are intended to facilitate the implementation of ICH S9 (2010), as well as to continue progress in the 3Rs of Reduction, Refinement, and Replacement in the use of animals.

In the **Federal Register** of September 19, 2016 (81 FR 64178), FDA published a notice announcing the availability of a draft guidance entitled ''S9 Nonclinical Evaluation for Anticancer Pharmaceuticals—Questions and Answers.'' The notice gave interested persons an opportunity to submit comments by November 18, 2016.

After consideration of the comments received and revisions to the guideline, a final draft of the guideline was submitted to the ICH Assembly and endorsed by the regulatory agencies in June 2016.

The guidance provides recommendations on development of anticancer pharmaceuticals, including small molecule and biotechnology-derived products. The questions and answers are intended to provide clarity and to facilitate a harmonized approach to the implementation of ICH S9 (2010). Since the publication of the draft questions and answers and receipt of public comments, some questions were combined for brevity and clarity or were deleted as redundant or due to lack of harmonization. Several areas of particular importance include additional clarity around the scope of the guidance, additional recommendations regarding development of antibody-drug conjugates, and the need for recovery animals in general toxicology studies.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''S9 Nonclinical Evaluation for Anticancer Pharmaceuticals—Questions and Answers.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Electronic Access

Persons with access to the internet may obtain the document at *https://www.regulations.gov, https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm,* or *https://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm.*

Dated: June 12, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–12975 Filed 6–15–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Immunity in the Elderly (R01).

Date: July 9–10, 2018.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, LD30, 5601 Fishers Lane, Rockville, MD 20892.

Contact Person: Julio Aliberti, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, MSC–9823, Rockville, MD 20852, 301–761–7322, *alibertijc@niaid.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Maintaining Immunity after Immunization (U01).

Date: July 11–12, 2018.

Time: 8:30 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892.

Contact Person: Geetanjali Bansal, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G49, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9834, Bethesda, MD 20892–9834, (240) 669–5073, *geetanjali.bansal@nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator Initiated Program Project (P01).

Date: July 11, 2018.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Raymond R. Schleef, Ph.D., Senior Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3E61, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5019, *schleefrr@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: June 12, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–12921 Filed 6–15–18; 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: Selected Topics in Transfusion Medicine.

Date: June 28–29, 2018.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Katherine M. Malinda, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7814, Bethesda, MD 20892, 301–435–0912, *Katherine_Malinda@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: AIDS and AIDS Related Research.

Date: July 10, 2018.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Shalanda A. Bynum, Ph.D., MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3206, Bethesda, MD 20892, 301–755–4355, *bynumsa@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Convergent Neuroscience: From Genomic Association to Causation.

Date: July 10, 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: Jana Drgonova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5213, Bethesda, MD 20892, 301–827–2549, *jdrgonova@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Neuroscience Assay, Diagnostics and Animal Model Development.

Date: July 12–13, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Crown Plaza Seattle Hotel, 1113 6th Ave., Seattle, WA 98101.

Contact Person: Susan Gillmor, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301–435–1730, *susan.gillmor@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Center for Neuroscience and Regenerative Medicine Program.

Date: July 12, 2018.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Chittari V. Shivakumar, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301–408–9098, *chittari.shivakumar@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Review: Understanding and Modifying Temporal Dynamics of Coordinated Neural Activity.

Date: July 12, 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: Jana Drgonova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5213, Bethesda, MD 20892, 301–827–2549, *jdrgonova@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Integrative Neuroscience.

Date: July 12, 2018.

Time: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Jasenka Borzan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892–7814, 301–435–1787, *borzanj@csr.nih.gov.*

Name of Committee: Biology of Development and Aging Integrated Review Group; International and Cooperative Projects—1 Study Section.

Date: July 13, 2018.

Time: 10:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Seetha Bhagavan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5194, MSC 7846, Bethesda, MD 20892, (301) 237–9838, *bhagavas@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 12, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–12920 Filed 6–15–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Chemical Facility Anti-Terrorism Standards Personnel Surety Program

AGENCY: National Protection and Programs Directorate (NPPD), Department of Homeland Security (DHS).

ACTION: 30-Day notice and request for comments; revision of information collection request: 1670–0029.

SUMMARY: The DHS NPPD Office of Infrastructure Protection (IP), Infrastructure Security Compliance Division (ISCD) will submit the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. NPPD previously published this ICR, in the **Federal Register** on December 27, 2017, for a 60-day public comment period.

In this notice NPPD is responding to seven commenters that submitted comments in response to the 60-day notice previously published for this ICR and soliciting public comment concerning this ICR for an additional 30 days.

DATES: Comments are encouraged and will be accepted until July 18, 2018.

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 OMB Desk Officer, Department of Homeland Security, National Protection and Programs Directorate and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.* All submissions must include the words ''Department of Homeland Security'' and the OMB Control Number 1670–0029.

Comments submitted in response to this notice may be made available to the public through relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

Comments that include trade secrets, confidential commercial or financial information, Chemical-terrorism Vulnerability Information (CVI), Sensitive Security Information (SSI), or Protected Critical Infrastructure Information (PCII) should not be submitted to the public regulatory docket. Please submit such comments separately from other comments in response to this notice. Comments containing trade secrets, confidential commercial or financial information, CVI, SSI, or PCII should be appropriately marked and packaged in

accordance with applicable requirements and submitted by mail to the DHS/NPPD/IP/ISCD CFATS Program Manager at the Department of Homeland Security, 245 Murray Lane SW, Mail Stop 0610, Arlington, VA 20528–0610. Comments must be identified by OMB Control Number 1670–0029. The Department will forward all comments received by the submission deadline to the OMB Desk Officer.

FOR FURTHER INFORMATION CONTACT: Questions and requests for additional information may be directed to Amy Graydon or the CFATS Program Manager via email at *cfats@dhs.gov* or telephone at (866) 323–2957.

SUPPLEMENTARY INFORMATION: On December 18, 2014, the President signed into law the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014, Public Law 113–254 (CFATS Act of 2014) providing long-term authorization for the Chemical Facility Anti-Terrorism Standards (CFATS) program. The CFATS Act of 2014 codified the Department's authority to implement the CFATS program into the Homeland Security Act of 2002. See 6 U.S.C. 621 *et. seq*.

Section 550 of the Department of Homeland Security Appropriations Act of 2007, Public Law 109–295 (2006) (''Section 550''), provided (and the CFATS Act of 2014 continues to provide) the Department with the authority to identify and regulate the security of high-risk chemical facilities using a risk-based approach. On April 9, 2007, the Department issued the CFATS Interim Final Rule (IFR), implementing this statutory mandate. See 72 FR 17688.

Section 550 required (and the CFATS Act of 2014 continues to require) that the Department establish risk-based performance standards (RBPS) for high-risk chemical facilities. Through the CFATS regulations, the Department promulgated 18 RBPS. Each chemical facility that has been finally determined by the Department to be high-risk must submit, for Department approval, a Site Security Plan (SSP) or an Alternative Security Program (ASP), whichever the high-risk chemical facility chooses, that satisfies each applicable RBPS. RBPS 12 requires high-risk chemical facilities to perform appropriate background checks on and ensure appropriate credentials for facility personnel, and, as appropriate, unescorted visitors with access to restricted areas or critical assets. RBPS 12(iv) specifically requires high-risk chemical facility to implement measures designed to identify people with terrorist ties. For the purposes of the CFATS Personnel Surety Program (PSP), 'people' in RBPS 12(iv) is in reference to affected individuals (*i.e.,* facility personnel or unescorted visitors with or seeking access to restricted areas or critical assets at high-risk chemical facilities).

Identifying affected individuals who have terrorist ties is an inherently governmental function and requires the use of information held in government-maintained databases that are unavailable to high-risk chemical facilities. *See* 72 FR 17688, 17709 (April 9, 2007). Thus, under RBPS 12(iv), the Department and high-risk chemical facilities must work together to satisfy the ''terrorist ties'' aspect of the Personnel Surety performance standard.

In accordance with the Homeland Security Act of 2002, as amended by the CFATS Act of 2014, the following options are available to enable high-risk chemical facilities to facilitate the vetting of affected individuals for terrorist ties:

Option 1. High-risk chemical facilities may submit certain information about affected individuals, which the Department will use to vet those individuals for terrorist ties. Specifically, the identifying information about affected individuals will be compared against identifying information of known or suspected terrorists contained in the Federal Government's consolidated and integrated terrorist watch list, the Terrorist Screening Database (TSDB), which is maintained by the Department of Justice (DOJ) Federal Bureau of Investigation (FBI) in the Terrorist Screening Center (TSC).[1]

Option 2. High-risk chemical facilities may submit information about affected individuals who already possess certain credentials or documentation that rely on security threat assessments conducted by the Department. This will enable the Department to verify the continuing validity of these credentials or documentation.

Option 3. High-risk chemical facilities may comply with RBPS 12(iv) without submitting to the Department information about affected individuals who possess Transportation Worker Identification Credentials (TWICs), if a high-risk chemical facility electronically verifies and validates the affected individual's TWICs through the use of TWIC readers (or other technology that is periodically updated using the Canceled Card List).

Option 4. High-risk chemical facilities may visually verify certain credentials or documents that are issued by a Federal screening program that periodically vets enrolled individuals against the TSDB. The Department continues to believe that visual verification has significant security limitations and, accordingly, encourages high-risk chemical facilities choosing this option to identify in their SSPs the means by which they plan to address these limitations.

In addition to the options described above for satisfying RBPS 12(iv), a high-risk chemical facility is welcome to propose alternative or supplemental options in its SSP that are not described in this document. The Department will assess the adequacy of such alternative or supplemental options on a facility-by-facility basis in the course of evaluating each facility's SSP.

Under Option 3 and Option 4, a high-risk chemical facility would not need to submit information about an affected individual to the Department. These Options are only mentioned in this notice for informational purposes, and there will be no analysis of Option 3 and Option 4 in this information collection request.

This information collection request does not propose changes to who qualifies as an affected individual. There are certain groups of persons that the Department does not consider to be affected individuals, such as (1) Federal officials that gain unescorted access to restricted areas or critical assets as part of their official duties; (2) state and local law enforcement officials that gain unescorted access to restricted areas or critical assets as part of their official duties; and (3) emergency responders at the state or local level that gain unescorted access to restricted areas or critical assets during emergency situations.

OMB is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated,

[1] For more information about the TSDB, see DOJ/FBI–019 Terrorist Screening Records System, last published in full as 77 FR 26580 (May 25, 2017).

electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

The current information collection for the CFATS PSP (IC 1670–0029) will expire on August 31, 2018.[2]

Summary of Proposed Revisions to the Information Collection

The Department is seeking a revision to the CFATS PSP Information Collection to: (1) Obtain approval to collect information about affected individuals from all high-risk chemical facilities rather than only Tier 1 and Tier 2 high-risk chemical facilities; (2) update the estimated number of annual respondents from 195,000 to 72,607 based on historical information collected since the Department implemented the CFATS PSP; and (3) update the estimated time per respondent from 0.58 hours to 0.1667 hours based upon historical data collected by the Department since the implantation of the CFATS PSP.

Collection at All High-Risk Chemical Facilities

In response to multiple comments on the current ICR, the Department agreed to a ''phased implementation'' of the CFATS PSP to Tier 1 and Tier 2 high-risk chemical facilities. Based on lessons learned and the near completion of the implementation at Tier 1 and Tier 2 high-risk chemical facilities, the Department now seeks to close a security gap by implementing CFATS PSP at all high-risk chemical facilities. As implemented at Tier 1 and Tier 2 high-risk chemical facilities, the Department will roll out the CFATS PSP in a ''phased implementation'' to Tier 3 and Tier 4 high-risk chemical facilities.

Updates to Burden Estimate Based on Historical Information

The Department implemented the CFATS PSP in December 2015. Since implementation, the Department has evaluated many of the assumptions it used when estimating the burden estimate of this Information Collection. As a result, several of the assumptions can be revised using actual data rather than assumptions. The burden methodology and revised estimates are described in, ''The Department's Methodology in Estimating the Burden for CFATS PSP Information Collection.''

Information Collected About Affected Individuals

This information collection request does not propose changes to the information collected on affected individuals.

Option 1: Collecting Information To Conduct Direct Vetting

If high-risk chemical facilities select Option 1 to satisfy RBPS 12(iv) for an affected individual, the following information about the affected individual would be submitted to the Department:

- For U.S. Persons (U.S. citizens and nationals, as well as U.S. lawful permanent residents):
  - Full Name;
  - Date of Birth; and
  - Citizenship or Gender.
- For Non-U.S. Persons:
  - Full Name;
  - Date of Birth;
  - Citizenship; and
  - Passport information and/or alien registration number.

To reduce the likelihood of false positives in matching against records in the Federal Government's consolidated and integrated terrorist watchlist, high-risk chemical facilities would also be able to submit the following optional information about an affected individual to the Department:

- Aliases;
- Gender (for Non-U.S. Persons);
- Place of Birth; and/or
- Redress Number.[3]

High-risk chemical facilities have the option to create and use the following field(s) to collect and store additional information to assist with the management of an affected individual's records. Any information collected in this field will not be used to support vetting activities.

- User Defined Field(s)

Table 1 summarizes the biographic data that would be submitted to the Department under Option 1.

TABLE 1—REQUIRED AND OPTIONAL DATA FOR AN AFFECTED INDIVIDUAL UNDER OPTION 1

Data elements submitted to the department	For a U.S. person	For a non-U.S. person
Full Name	Required.	
Date of Birth	Required.	
Gender	Must provide	Optional.
Citizenship	Citizenship or Gender	Required.
Passport Information and/or Alien Registration Number	N/A	Required.
Aliases	Optional.	
Place of Birth	Optional.	
Redress number	Optional.	
User Defined Field(s)	Optional (Not used for vetting purposes).	

Option 2: Collecting Information To Use Vetting Conducted Under Other DHS Programs

In lieu of submitting information to the Department under Option 1 for vetting of terrorist ties, high-risk chemical facilities also have the option, where appropriate, to submit information to the Department to electronically verify that an affected individual is currently enrolled in another DHS program that vets for terrorist ties.

To verify an affected individual's enrollment in one of these programs under Option 2, the Department would collect the following information about the affected individual:

- Full Name;
- Date of Birth; and
- Program-specific information or credential information, such as unique number or issuing entity (*e.g.,* state for Commercial Driver's License [CDL] associated with an Hazardous Material Endorsement [HME]).

To reduce the likelihood of false positives, high-risk chemical facilities may also submit the following optional

[2] The current information collection for CFATS Personnel Surety Program may be found at *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201312-1670-001.*

[3] For more information about Redress Numbers, please go to *http://www.dhs.gov/one-stop-travelers-redress-process#1.*

information about an affected individual to the Department:

- Aliases;
- Gender;
- Place of Birth; and/or
- Citizenship.

High-risk chemical facilities have the option to create and use the following field(s) to collect and store additional information to assist with the management of an affected individual's records. Any information collected in this field will not be used to support vetting activities.

- User Defined Field(s)

Table 2 summarizes the biographic data that would be submitted to the Department under Option 2.

TABLE 2—REQUIRED AND OPTIONAL DATA FOR AN AFFECTED INDIVIDUAL UNDER OPTION 2

Data Elements Submitted to the Department	
Full Name	Required.
Date of Birth	Required.
Program-specific information or credential information, such as expiration date, unique number, or issuing entity.	Required.
Aliases	Optional.
Gender	Optional.
Place of Birth	Optional.
Citizenship	Optional.
User Defined Field(s)	Optional (Not used for vetting purposes).

Other Information Collected

The Department may also contact a high-risk chemical facility or its designees to request additional information (*e.g.,* visa information) pertaining to an affected individual in order to clarify suspected data errors or resolve potential matches (*e.g.,* an affected individual has a common name). Such requests will not imply, and should not be construed to indicate, that an affected individual's information has been confirmed as a match to a record of an individual with terrorist ties.

The Department may also collect information provided by individuals or high-risk chemical facilities in support of any adjudication requests under Subpart C of the CFATS regulation,[4] or in support of any other redress requests.[5]

Responses to Comments Submitted During 60-Day Comment Period

The Department solicited comments on four questions:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

In response to the 60-Day Notice that solicited comments about the CFATS PSP ICR, the Department received twenty-seven comments from seven commenters. The seven commenters were all industry association.

Comments Related to Whether the Proposed Collection of Information Is Necessary for the Proper Performance of the Function of the Agency, Including Whether the Information Will Have Practical Utility

Comment: Four commenters suggested that the Department conduct further assessments on the PSP:

One commenter suggested that the Department ''should not expand the program until it can see the successes and failures it has with Tier 1 and Tier 2 facilities.'' Further, the commenter suggested a ''formal assessment, in conjunction with the Department of Justice and the Federal Bureau of Investigation, on the benefits and positive outcomes of running PSP-gained information through the TSDB [Terrorist Screening Database]'' be conducted. The commenter also suggested that such a review could evaluate the effectiveness of the CFATS PSP and opportunities ''to make it more effective.''

A second commenter encouraged the Department to ''examine the effectiveness of such screening before proceeding to subject the bulk of CFATS regulated facilities to these additional measures.'' The second commenter suggested the Department conduct a comprehensive evaluation, similar to the comprehensive evaluation the Transportation Security Administration (TSA) is conducting with respect to the Transportation Worker Identification Credentials (TWIC) Program,[6] before determining whether to expand the CFATS PSP to Tier 3 and Tier 4 covered chemical facilities.

A third commenter referenced an ongoing Government Accountability Office (GAO) assessment of the CFATS program and speculated that the GAO assessment might review the implementation of the CFATS PSP. The commenter suggested that the Department could benefit from considering the results of the GAO assessment with respect ''to tailoring implementation of PSP for Tier 3 and 4 facilities.'' The commenter also suggested that if the GAO assessment does not include a review of the CFATS PSP, the Department should undertake such an analysis. In conclusion, the same commenter suggested that the Department not expand the CFATS PSP to Tier 3 and Tier 4 covered chemical facilities until such an analysis has been conducted and the results used to inform the CFATS PSP ICR.

A fourth commenter requested that the Department allow a third-party review of the CFATS PSP after a suitable period of time has passed to determine if the program adds value to the security of the nation.

Response: The Department does not believe that additional analysis is needed prior to OMB approving the collection of information concerning affected individuals from all covered chemical facilities. The Department has closely reviewed how Tier 1 and Tier 2 covered chemicals facilities have implemented the check for terrorist ties. Tier 1 and Tier 2 covered chemical facilities have varied by size, complexity, security issue, and location.

[4] *See* 6 CFR 27.300–345.

[5] More information about access, correction, and redress requests under the Freedom of Information Act and the Privacy Act can be found in Section 7.0 of the Privacy Impact Assessment for the CFATS Personnel Surety Program, dated May 4, 2011, and available at *http://www.dhs.gov/privacy-documents-national-protection-and-programs-directorate-nppd.*

[6] See Section 1(b)(3) of Public Law 114–278, which may be viewed at *https://www.congress.gov/bill/114th-congress/house-bill/710/text/pl?overview=closed.*

Additionally, vetting for terrorist ties for all four tiers of covered facilities is required by CFATS. Members of the public commented on the CFATS rulemaking in 2007 before the regulation was finalized, and DHS considered all public comments (including comments about terrorist ties vetting and background checks) in coming to the reasoned decision to vet affected individuals for terrorist ties at all tiered facilities as part of the program. DHS disagrees that a modification to the program to eliminate this requirement for Tiers 3 and 4 or to indefinitely delay its rollout in order to conduct additional analysis would be appropriate. Preventing terrorist access to high-risk chemical facilities' restricted areas and critical assets is a core purpose of CFATS, and failure to conduct terrorist ties checks may allow terrorist to gain access.

Comment: One commenter reiterated its continued objection to the inclusion of railroad employees is within the scope of CFATS because the commenter claims that inclusion of railroad employees lacks a risk-based justification.

Response: Under CFATS, the Department regulates covered chemical facilities that present a high risk from terrorist attack. Effectively regulating chemical facility security involves assessing whether terrorists have access to facilities, and terrorists seeking access might not be limited to facility employees. To help reduce risk to high-risk facilities, the Department requires covered chemical facilities to conduct a check for terrorist ties on affected individuals (*e.g.,* facility personnel and unescorted visitors) with or seeking access to restricted areas and critical assets. A covered chemical facility has the discretion to decide if they want to escort railroad employees as visitors, identify railroad employees as affected individuals, or treat them in some other way consistent with CFATS requirements. Identifying railroad employees as affected individuals would require a covered chemical facility to ensure that those personnel are screened for terrorist ties pursuant to 6 CFR 27.230(a)(12).

In ensuring affected individuals are screened for terrorist ties, the facility has the discretion to choose from four options for vetting affected individuals or propose alternatives or supplemental options in its SSP or ASP (See 82 FR 61312, 61316).[7]

Comment: One commenter highlighted the Department of Transportation (DOT) requirement at 49 CFR 172.802(a)(1) which states, ''Personnel security. Measures to confirm information provided by job applicants hired for positions that involve access to and handling of the hazardous materials covered by the security plan. . . .'' The commenter suggested that railroad employees having undergone such a background check and demonstrated their reliability by being stewards of the chemical during transit, should ''not suddenly seem suspect simply by crossing a fence line at a covered chemical facility.''

Response: It is the Department's understanding that the sort of background checks discussed by the commenter do not include checks for terrorist ties. Checks for terrorist ties are required under CFATS (6 CFR 27.230(a)(12)).

Comments Related to 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

Comment: One commenter recognizes the assumptions that release facilities may have more affected individuals than theft and diversion facilities, that there are an average of 106 employees per facility, and that the time it takes to vet an affected individual may be valid, but states, ''it is not clear upon what information they [the assumptions] are based.''

Response: The Department based the assumptions on historical data collected by the Department since the implementation of the CFATS PSP. Specifically, for the difference between release and theft and diversion facilities, the Department recognizes that high-risk chemical facilities for release security issues may take a facility-wide approach rather than an asset-based approach in defining their restricted areas, which may result in a higher number of affected individuals than theft and diversion facilities. Therefore, the Department reviewed the number of release sites to ensure the estimated number of respondents for the Tier 3 and Tier 4 high-risk chemical facilities were comparable to the historical data received by the Department since the implementation of the CFATS PSP. The Department found that the release security issues for Tier 1 and Tier 2 high-risk chemical facilities made up 38 percent of the total Tier 1 and Tier 2 high-risk chemical facility population. For Tier 3 and Tier 4 high-risk chemical facilities, the release security issue made up 25 percent of the total Tier 3 and Tier 4 high-risk chemical facility population. Based on these findings, the Department is satisfied that the Tier 1 and Tier 2 high-risk chemical facility historical data provided a valid representation of what the Department can expect from Tier 3 and Tier 4 high-risk chemical facilities.

Specifically for the 106 employees, the Department estimates that under this collection there are (a) 200 Tier 1 and Tier 2 high-risk chemical facilities that did submit or will have to submit information about affected individuals under the current ICR, and (b) 3,700 Tier 3 and Tier 4 high-risk chemical facilities that will submit for the first time under this new collection. Historically, each Authorizer submitted, on average, 180 initial respondents, with each Authorizer responsible for 1.7 high-risk chemical facilities. Dividing 180 affected individuals per Authorizer by 1.7 high-risk chemical facilities results in an average of 106 initial respondents submitted per high-risk chemical facility.

The Department's estimate per respondent (affected individual) is based on industry feedback and historical data collected on their use of the CFATS PSP application. The Department has estimated the time per respondent to be 5 minutes per submission of a record about an affected individual. Since this estimate is based on current submissions from Tier 1 and Tier 2 high-risk chemical facilities, the Department has chosen an estimate of 10 minutes per record to provide a more conservative estimate.

Comment: Two commenters expressed concern that the ICR did not appear to account for the burden associated with part-time or seasonal employees or contractors that qualify as affected individuals.

Response: The Department's estimate of the number of affected individuals in the 60-day notice was based on actual data submitted by covered chemical facilities at which seasonal and part-time employees (to include contractors) are considered affected individuals. Thus, the Department concludes that the historical data relied upon in the 60-day notice incorporates seasonal and part-time employees.

Comment: Three commenters felt the personal identifiable information collection is not ''usual and customary'':

One commenter disagreed with the Department's decision to invoke 5 CFR 1320.3(b)(2) to exclude ''certain activities and costs related to the PSP data collection process.'' The commenter suggested that two assumptions made by the Department are not accurate. Specifically, that (a) the Department's assumption that facilities

[7] The Department described the options for screening for terrorist ties on page 82 FR 61313 of its 60-day notice which may be viewed at *https://www.federalregister.gov/d/2017-27519/page-61313.*

already possess the information necessary to submit under Option 1 or Option 2 of the CFATS PSP; and (b) the Department's assumption that additional data collection is not required and there is no further burden imposed by this Information Collection beyond submitting the information to the Department under Option 1 or Option 2.

A second commenter also objected to the exclusion of ''the time needed for a site security officer to manage data collection, submissions, and tracking'' under 5 CFR 1320.3(b)(2) which is similar to some of the examples provided by the first commenter.

A third commenter expressed concern similar in nature that the estimated time per respondent does not appear to account for acquiring the necessary personal information to compare against the TSDB.

Response: The Department evaluated each of the examples provided by the commenters. The Department's evaluation of the examples provided by the commenters are below:

i. The Department considered whether the CFATS PSP ICR should be revised to account for the burden associated with coordinating with CFATS-facility stakeholders, including Human Resources, Procurement, and/or Contract Administration to explain the PSP requirements and determine how best to gather the data from different populations (*e.g.,* employees and resident and non-resident contractors). One commenter clarified elsewhere in its comments that the coordination included creating separate groups [8] and ''PSP Submitter [user] accounts for each contract company, which may include hundreds of different contract companies in cases where a large facility is tiered for a release security issue.'' After considering the comment, the Department did not revise the CFATS PSP ICR because this burden is properly accounted for under a separate and different ICR. The establishment of Chemical Security Assessment Tool (CSAT) accounts, such as a PSP Submitter, and the assignment of such accounts to ''groups'' is covered under Information Collection 1670–0007.[9]

ii. The Department considered whether the CFATS PSP ICR should be revised to account for the burden associated with ''developing and providing communications, Privacy Act notices, and data collection forms to affected individuals.'' After considering the comment, the Department did not revise the CFATS PSP ICR because, as described earlier in this notice, this burden is already accounted for in the 10 minutes per respondent burden estimate.

iii. The Department considered whether the CFATS PSP ICR should be revised to account for the burden associated with ''ensuring that all affected individuals provide the necessary [personally identifiable information] PII—and following up with those that do not.'' After considering the comment, the Department did not revise the CFATS PSP ICR. The collection of data from affected individuals by a covered chemical facility or its designees is excluded under 5 CFR 1320.3(b)(2).

iv. The Department considered whether the CFATS PSP ICR should be revised to account for the burden associated with ''training personnel to use the CSAT PSP application.'' After considering the comment, the Department did not revise the CFATS PSP ICR because the burden is properly accounted for under Information Collection 1670–0007.

v. The Department considered whether the CFATS PSP ICR should be revised to account for the burden associated with ''ensuring change management (*e.g.,* once the initial data is gathered and uploaded, the facility still must account for new hires and new contractors—and further incorporate this into the facility access process).'' After considering the comment, the Department did not revise the CFATS PSP ICR because the burden is already accounted for in this ICR (See 82 FR 61312, 61316).[10] The Department laid out the expectations to submit both existing affected individuals as well as new affected individuals in the ICR notices associated with the current Information Collection and in the CFATS PSP Implementation Notice. The clear expectation for covered chemical facilities to submit new affected individuals is therefore inherently a part of the actual historical data upon which the Department relied in the 60-day notice.

Comment: One commenter suggested that the CFATS PSP is being implemented on a facility-by-facility basis rather than a company-wide basis, which encourages duplicative processes for information collection and vetting and dramatically increases the burdens on railroads serving more than one company location.

Response: The Department has designed the CFATS Program as a whole, and the CFATS PSP in particular, to allow for a company-wide approach. This has been mentioned in previous notices [11] and can be found in current program guidance and resources.[12] Some companies have opted to implement a company-wide approach to the PSP while others have not. The design of the CFATS PSP and this ICR allows each company with multiple covered chemical facilities to choose for itself whether or not, or to what degree, to adopt a company-wide approach under CFATS.

Comment: One commenter expressed concern that the estimated time per respondent of five minutes ''does not appear to include the additional time necessary to notify employees of the PSP requirement, obtain consent . . .''

Response: As previously discussed, the Department did not revise the CFATS PSP ICR because this burden is already accounted for in the 10 minutes per respondent burden estimate.

Comment: One commenter is concerned with the time it takes Authorizer to create CSAT accounts for contractors.

Response: The Department accounts for the burden related to the creation of CSAT accounts for contractors under Information Collection 1670–0007.[13]

Comments Related to the Quality, Utility, and Clarity of the Information To Be Collected

The Department did not receive any comments related to the quality, utility, and clarity of the information to be collected.

Comments Related To Minimizing the Burden of the Collection of the Information on Those Who Are To Respond, Including Through the Use of Appropriate Automated, Electronic Mechanical, or Other Technological Collection Techniques or Other Forms of Information Technology, e.g., Permitting Electronic Submissions of Responses

Comment: Two commenters suggested that the Department use a flexible approach in the rollout:

One commenter requested a phased roll out of the CFATS PSP to Tier 3 and Tier 4 covered chemical facilities.

A second commenter ''appreciate[d] that DHS is proposing to roll out these requirements in a phased method . . .'' The same commenter also encouraged the Department to consider a ''site's various risk factors, including location, number of employees, types and

[8] The term ''groups'' is a technical term used by the Department to describe how a covered chemical facility may manage the access to records about affected individuals in the CSAT Personnel Surety application. The Department describes ''groups'' and provides additional information about how to create and manage ''groups in section 9.5 of the CSAT User Manual which may be viewed at *https://www.dhs.gov/sites/default/files/publications/csat-portal-user-manual-508-2.pdf.*

[9] Information Collection 1670–0007 was approved by OMB on July 14, 2016. The Notice of Action and Information Collection 1670–0007 may be viewed at *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201604-1670-001.*

[10] The Department described its assumptions, to include updates and corrections, about the estimated time per respondent on page 82 FR 61316 of its 60-day notice which may be viewed at *https://www.federalregister.gov/d/2017-27519/page-61316.*

[11] The possibility of a company-wide approach is mentioned in: (1) The CFATS PSP 30-Day notice and request for comments published on February 3, 2014 at 79 FR 6422 that may be viewed at *https://www.federalregister.gov/d/2014-02082/page-6422,* and (2) the CFATS PSP 60-Day notice and request for comments published on March 22, 2013 at 78 FR 17684 that may be viewed at *https://www.federalregister.gov/d/2013-06184/page-17684.*

[12] The Department describes the potential for a company-wide approach in CFATS PSPImplementation Notice published on December 18, 2015 at 80 FR 79064 that may be viewed at *https://www.federalregister.gov/d/2015-31625/page-79064.*

[13] Information Collection 1670–0007 was approved by OMB on July 14, 2016. The Notice of Action and Information Collection 1670–0007 may be viewed at *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201604-1670-001.*

volumes of chemicals of interest, and likely offsite incident consequences'' when planning the phased-in approach.

Response: The Department agrees that a flexible approach is appropriate for the rollout of the PSP to Tier 3 and Tier 4 covered chemical facilities. If approved, the Department plans to implement the CFATS PSP in a phased manner to Tier 3 and Tier 4 covered chemical facilities over a three year period. Similar to the successful and recent retiering effort, the Department plans to consider the number of facilities assigned to a single Authorizer when notifying facilities to implement the PSP, as not to overwhelm a single Authorizer. The Department will also allow the flexibility for Authorizers, if desired, to complete the process for their facilities before notification by the Department.

Comment: One commenter suggested that the Department has downplayed the use of ''existing options'' that could lessen the burdens on third-party service providers, such as railroads, that employ affected individuals as defined by the covered chemical facility. The commenter suggested that one such ''existing option'' is real-time video monitoring as a means of escort.

Response: The Department has explicitly mentioned in multiple notices associated with this Information Collection (see 79 FR 6418, 6420) and in CFATS PSP resources the possibility of innovative escorting alternatives such as video monitoring. The Department has also worked with facilities to identify other alternatives for a covered chemical facility to limit who is an affected individual. Furthermore, the Department provided the following guidance to covered chemical facilities in the CFATS PSP Implementation Notice: [14]

''A high-risk chemical facility will have flexibility to tailor its implementation of the CFATS Personnel Surety Program to fit its individual circumstances and, in this regard, to best balance who qualifies as an affected individual, unique security issues, costs, and burden. For example, a high-risk chemical facility may, in its Site Security Plan:

- Restrict the numbers and types of persons allowed to access its restricted areas and critical assets, thus limiting the number of persons who will need to be checked for terrorist ties.
- Define its restricted areas and critical assets, thus potentially limiting the number of persons who will need to be checked for terrorist ties.
- Choose to escort visitors accessing restricted areas and critical assets in lieu of performing terrorist ties background checks under the CFATS Personnel Surety Program. The high-risk chemical facility may propose in its SSP traditional escorting solutions and/or innovative escorting alternatives such as video monitoring (which may reduce facility security costs), as appropriate, to address the unique security risks present at the facility [emphasis added].''

Comment: One commenter urged the Department to not include additional pre-conditions to the CFATS PSP that would preclude covered chemical facilities from leveraging the background checks performed in compliance with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Employee Possessor Program under Option 4.

Response: The Department has not modified the CFATS PSP to preclude a covered chemical facility from the potential of leveraging the vetting conducted by ATF under Option 4 for affected individuals who possess a Federal explosives license/permit.

Comment: One commenter requested that the Department modify CSAT to allow designated employees such as human resource professionals the ability to upload and edit information about affected individuals without having to access CVI.

Response: The Department currently provides the ability to restrict human resource professionals from accessing CVI in CSAT. If a user is designated as only a Personnel Surety Submitter and is not assigned any other facility roles, they are not able to access the CVI documentation.

Other Comments Submitted in Response to the Information Collection Request

Comment: One commenter suggested that compliance with the CFATS PSP exposes railroad employee PII and exacerbates cyber-security risk.

Response: The Department disagrees with the commenter that the CFATS PSP exposes PII and exacerbates cyber security risk. If (1) a covered chemical facility opts to identify the employee of a third-party service provider as an affected individual, and (2) a covered chemical facility opts to implement Option 1 or Option 2 in their SSP or ASP then the Department has designed the CSAT Personnel Surety Program Application to allow third-party companies, such as a railroad, to be granted access to the CSAT Personnel Surety Application for the express purpose of submitting information about affected individuals directly to the Department.

If a covered chemical facility opts to implement Option 3 or Option 4, information about affected individuals is not submitted to the Department. Option 3 allows high-risk chemical facilities to comply with the PSP by electronically verifying and validating the affected individual's TWICs through the use of TWIC readers. Option 4 provides high-risk chemical facilities with the option to visually verify certain credentials or documents that are issued by a Federal screening program that periodically vets enrolled individuals against the TSDB.

Comment: One commenter suggested that the Department ''has encouraged covered chemical facilities to collect information that exceeds the legal requirements.''

Response: The Department outlined in the ICR all data elements and identified the ones that are required for a submission under Option 1 or Option 2. While the minimum data is sufficient, it is the considered judgement of the Department that additional information reduces the likelihood of false positives in matching against records in the federal government's consolidated and integrated terrorist watchlist. Although helpful in reducing false positives, this additional information is optional.

Comment: Two commenters made suggestions as it relates to the consistency of inspections:

One commenter requested that the Department ''work with facilities that have already been inspected to make sure inspections are being handled in a consistent fashion.''

A second commenter reported that there are ''many regional inconsistencies in how inspectors conduct inspections within a region.''

Response: Although this comment is outside the scope of the information collect request, DHS agrees and continues to work to ensure inspection consistency across the country.

Comment: One industry association commented that any updates to the CFATS regulation should be flexible and tangible for facility compliance.

Response: This information collection request does not modify existing regulations.

Comment: One commenter suggested that a contradiction exists between the CFATS PSP and the railroads compliance with DOT regulations.

Response: The Department disagrees with the commenter. If a covered chemical facility opts to identify a railroad employee as an affected individual, the performance of railroads

[14] This specific text from the CFATS Personnel Surety Program Implementation Notice may be found on 80 FR 79060 and can be viewed at *https://www.federalregister.gov/d/2015-31625/page-79060.*

with respect to complying with DOT regulations, does not materially alter the fact that a railroad employee is an affected individual. Covered chemical facilities must ensure that affected individuals have appropriate background checks performed, to include a check for terrorist ties. This ICR allows covered chemical facilities, and their service providers that employ affected individuals, an opportunity to enable a check for terrorist ties to be performed against the TSDB.

Comment: One commenter stated that the CFATS PSP, as currently designed, ''does not take into consideration that Tier 3 and 4 facilities present a comparatively lower risk profile than Tier 1 and 2 sites.'' The commenter suggested that the Department acknowledge the lower risk profile of Tier 3 and Tier 4 covered chemical facilities and not require them to comply with 6 CFR 27.230(a)(12)(iv). The commenter requested that Tier 3 and Tier 4 covered chemical facilities still be allowed to voluntarily participate.

Response: The Department believes that 6 CFR 27.230(a)(12)(iv) mitigates the risk of an individual with terrorist ties having insider access. Terrorist insiders could cause significant harm to the United States through access to any tiered chemical facility. To achieve the anti-terrorism objective of CFATS, it is necessary to mitigate this risk by conducting terrorist ties checks at all covered facilities. RBPS 12 accordingly requires terrorist ties checks for facilities of all four tiers.

Comment: One commenter questioned the effectiveness of the CFATS PSP if ''absent a clear national security, homeland security, or law enforcement rationale . . . DHS does not follow-up with the company to alert it of the possible threat.'' The commenter further stated that the ''value of conducting TSDB screening is questionable if an identified bad actor is permitted continued access to [chemicals of interest] unbeknownst to the facility, which is in the best position to ensure that the person is not afforded that opportunity.''

Response: The Department's design of the CFATS Program is intended to promote and enhance the security of high-risk chemical facilities; the PSP is one element of the larger CFATS Program. To prevent a significant threat to a facility or loss of life, a high-risk chemical facility will be contacted where appropriate and in accordance with federal law and policy, and per law enforcement and intelligence requirements.

The Department's Methodology in Estimating the Burden for the CFATS PSP

This 30-day notice relies on the analysis and resulting burden estimates in the 60-day notice for this instrument.

Analysis

Title: Chemical Facility Anti-Terrorism Standards (CFATS) Personnel Surety Program.
OMB Number: 1670–0029.
Instrument: CFATS Personnel Surety Program.
Frequency: ''Other.''
Affected Public: Business or other for-profit.
Number of Annual Respondents: 72,607 respondents (estimate).
Estimated Time per Respondent: 0.1667 hours (10 minutes).
Total Annual Burden Hours: 12,101 hours.
Total Annual Burden Cost (capital/startup): $1,719,409.
Total Annual Burden Cost: $955,191.
Total Recordkeeping Burden: $0.

David Epperson,
Chief Information Officer.

[FR Doc. 2018–12523 Filed 6–15–18; 8:45 am]
BILLING CODE 9110–9P–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2018–N009; FXES11130800000–189–FF08E00000]

Endangered and Threatened Wildlife and Plants; Initiation of 5-Year Status Reviews of 50 Species in California, Nevada, and the Klamath Basin of Oregon

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of initiation of reviews; request for information.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are initiating 5-year status reviews of 50 species in California, Nevada, and the Klamath Basin of Oregon under the Endangered Species Act of 1973, as amended (Act). A 5-year review is based on the best scientific and commercial data available at the time of the review; therefore, we are requesting submission of any new information on these species that has become available since the last review.

DATES: To ensure consideration in our reviews, we are requesting submission of new information no later than August 17, 2018. However, we will continue to accept new information about any species at any time.

ADDRESSES: For how and where to send information, see Request for New Information.

FOR FURTHER INFORMATION CONTACT: For whom to contact for species-specific information, see Request for New Information. Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at 800–877–8337 for TTY assistance.

SUPPLEMENTARY INFORMATION:

Why do we conduct 5-year reviews?

Under the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*), we maintain lists of endangered and threatened wildlife and plant species (referred to as the List) in the Code of Federal Regulations (CFR) at 50 CFR 17.11 (for wildlife) and 17.12 (for plants). Section 4(c)(2)(A) of the Act requires us to review each listed species' status at least once every 5 years. For additional information about 5-year reviews, refer to our factsheet at *http://www.fws.gov/endangered/what-we-do/recovery-overview.html.*

What information do we consider in our review?

A 5-year review considers all new information available at the time of the review. In conducting these reviews, we consider the best scientific and commercial data that have become available since the listing determination or most recent status review, such as:

(A) Species biology, including but not limited to population trends, distribution, abundance, demographics, and genetics;

(B) Habitat conditions, including but not limited to amount, distribution, and suitability;

(C) Conservation measures that have been implemented to benefit the species;

(D) Threat status and trends in relation to the five listing factors (as defined in section 4(a)(1) of the Act); and

(E) Other new information, data, or corrections, including but not limited to taxonomic or nomenclatural changes, identification of erroneous information contained in the List, and improved analytical methods.

Any new information will be considered during the 5-year review and will also be useful in evaluating the ongoing recovery programs for the species.

Which species are under review?

This notice announces our active review of the species listed in the table below.

Common name	Scientific name	Status	States where the species is known to occur	Final Listing rule (**Federal Register** citation and publication date)	Lead Fish and Wildlife Office
Animals					
Butterfly, Lange's metalmark.	*Apodemia mormo langei.*	Endangered	California	41 FR 22041 22044; 6/1/1976.	San Francisco Bay-Delta Fish and Wildlife Office.
Butterfly, Smith's blue	*Euphilotes enoptes smithi.*	Endangered	California	41 FR 22041 22044; 6/1/1976.	Ventura Fish and Wildlife Office.
Cuckoo, yellow-billed	*Coccyzus americanus*	Threatened	Western U.S. distinct population segment (DPS): Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, Wyoming, as well as Canada and Mexico.	79 FR 59991 60038; 10/03/2014.	Sacramento Fish and Wildlife Office.
Frog, California red-legged.	*Rana draytonii*	Threatened	California	61 FR 25813 25833; 5/23/1996.	Sacramento Fish and Wildlife Office.
Frog, mountain yellow-legged.	*Rana muscosa*	Endangered	Southern California DPS: California	67 FR 44382 44392; 7/2/2002.	Carlsbad Fish and Wildlife Office.
Goby, tidewater	*Eucyclogobius newberryi.*	Endangered	California	59 FR 5494 5499; 2/4/1994.	Ventura Fish and Wildlife Office.
Kangaroo rat, Stephens'.	*Dipodomys stephensi (incl. D. cascus).*	Endangered	California	53 FR 38465 38469; 9/30/1988.	Carlsbad Fish and Wildlife Office.
Mountain beaver, Point Arena.	*Aplodontia rufa nigra*	Endangered	California	56 FR 64716 64723; 12/12/1991.	Arcata Fish and Wildlife Office.
Mouse, Pacific pocket	*Perognathus longimembris pacificus.*	Endangered	California	59 FR 49752 49764; 9/29/1994.	Carlsbad Fish and Wildlife Office.
Plover, western snowy.	*Charadrius alexandrinus nivosus.*	Threatened	Pacific Coast population DPS: California, Oregon, Washington, Mexico (within 50 miles of Pacific coast).	58 FR 12864 12874; 3/5/1993.	Arcata Fish and Wildlife Office.
Poolfish, Pahrump	*Empetrichthys latos*	Endangered	Nevada	32 FR 4001; 3/11/1967.	Southern Nevada Fish and Wildlife Office.
Rail, California clapper.	*Rallus longirostris obsoletus.*	Endangered	California	35 FR 16047 16048; 10/13/1970.	San Francisco Bay-Delta Fish and Wildlife Office.
Sheep, Sierra Nevada bighorn.	*Ovis canadensis sierrae.*	Endangered	California	64 FR 19300 19309; 4/20/1999.	Reno Fish and Wildlife Office.
Skipper, Laguna Mountains.	*Pyrgus ruralis lagunae.*	Endangered	California	62 FR 2313 2322; 1/16/1997.	Carlsbad Fish and Wildlife Office.
Snail, Morro shoulderband (=Banded dune).	*Helminthoglypta walkeriana.*	Endangered	California	59 FR 64613 64623; 12/15/1994.	Ventura Fish and Wildlife Office.
Sucker, Lost River	*Deltistes luxatus*	Endangered	California, Oregon	53 FR 27130 27134; 7/18/1988.	Klamath Falls Fish and Wildlife Office.
Sucker, shortnose	*Chasmistes brevirostris.*	Endangered	California, Oregon	53 FR 27130 27134; 7/18/1988.	Klamath Falls Fish and Wildlife Office.
Tern, California least	*Sterna antillarum browni.*	Endangered	Arizona, California	35 FR 8491 8498; 6/2/1970.	Carlsbad Fish and Wildlife Office.
Towhee, Inyo California.	*Pipilo crissalis eremophilus.*	Threatened	California	52 FR 28780 28786; 8/3/1987.	Carlsbad Fish and Wildlife Office.
Plants					
Bedstraw, El Dorado	*Galium californicum* ssp. *sierrae.*	Endangered	California	61 FR 54346 54358; 10/18/1996.	Sacramento Fish and Wildlife Office.
Bedstraw, island	*Galium buxifolium*	Endangered	California	62 FR 40954 40974; 7/31/1997.	Ventura Fish and Wildlife Office.
Bird's-beak, Pennell's	*Cordylanthus tenuis* ssp. *capillaris.*	Endangered	California	60 FR 6671 6685; 2/3/1995.	Sacramento Fish and Wildlife Office.
Bluegrass, San Bernardino.	*Poa atropurpurea*	Endangered	California	63 FR 49006 49022; 9/14/1998.	Carlsbad Fish and Wildlife Office.
Butterweed, Layne's	*Senecio layneae*	Threatened	California	61 FR 54346 54358; 10/18/1996.	Sacramento Fish and Wildlife Office.
Ceanothus, Pine Hill	*Ceanothus roderickii*	Endangered	California	61 FR 54346 54358; 10/18/1996.	Sacramento Fish and Wildlife Office.
Checker-mallow, Kenwood Marsh.	*Sidalcea oregana* ssp. *valida.*	Endangered	California	62 FR 54791 54808; 10/22/1997.	Sacramento Fish and Wildlife Office.
Clarkia, Vine Hill	*Clarkia imbricata*	Endangered	California	62 FR 54791 54808; 10/22/1997.	Sacramento Fish and Wildlife Office.
Crownbeard, big-leaved.	*Verbesina dissita*	Threatened	California, Mexico	61 FR 52370 52384; 10/7/1996.	Carlsbad Fish and Wildlife Office.
Evening-primrose, San Benito.	*Camissonia benitensis.*	Threatened	California	50 FR 5755 5759; 2/12/1985.	Ventura Fish and Wildlife Office.
Flannelbush, Pine Hill	*Fremontodendron californicum* ssp. *decumbens.*	Endangered	California	61 FR 54346 54358; 10/18/1996.	Sacramento Fish and Wildlife Office.
Goldfields, Burke's	*Lasthenia burkei*	Endangered	California	56 FR 61173 61182; 12/2/1991.	Sacramento Fish and Wildlife Office.
Larkspur, Baker's	*Delphinium bakeri*	Endangered	California	65 FR 4156 4162; 1/26/2000.	Sacramento Fish and Wildlife Office.
Larkspur, yellow	*Delphinium luteum*	Endangered	California	65 FR 4156 4162; 1/26/2000.	Sacramento Fish and Wildlife Office.

Common name	Scientific name	Status	States where the species is known to occur	Final Listing rule (**Federal Register** citation and publication date)	Lead Fish and Wildlife Office
Lily, Pitkin Marsh	*Lilium pardalinum* ssp. *pitkinense.*	Endangered	California	62 FR 54791 54808; 10/22/1997.	Sacramento Fish and Wildlife Office.
Lily, Western	*Lilium occidentale*	Endangered	California, Oregon	59 FR 42171 42176; 8/17/1994.	Arcata Fish and Wildlife Office.
Lupine, Nipomo Mesa	*Lupinus nipomensis*	Endangered	California	65 FR 14888 14898; 3/20/2000.	Ventura Fish and Wildlife Office.
Meadowfoam, Sebastopol.	*Limnanthes vinculans*	Endangered	California	56 FR 61173 61182; 12/2/1991.	Sacramento Fish and Wildlife Office.
Milk-vetch, Applegate's.	*Astragalus applegatei*	Endangered	California, Oregon	58 FR 40547 40551; 7/28/1993.	Klamath Falls Fish and Wildlife Office.
Milk-vetch, Clara Hunt's.	*Astragalus clarianus*	Endangered	California	62 FR 54791 54808; 10/22/1997.	Sacramento Fish and Wildlife Office.
Milk-vetch, Peirson's.	*Astragalus magdalenae* var. *peirsonii.*	Threatened	California	63 FR 53596 53615; 10/6/1998.	Carlsbad Fish and Wildlife Office.
Morning-glory, Stebbins'.	*Calystegia stebbinsii*	Endangered	California	61 FR 54346 54358; 10/18/1996.	Sacramento Fish and Wildlife Office.
Mountainbalm, Indian Knob.	*Eriodictyon altissimum.*	Endangered	California	59 FR 64613 64623; 12/15/1994.	Ventura Fish and Wildlife Office.
Penny-cress, Kneeland Prairie.	*Thlaspi californicum*	Endangered	California	65 FR 6332 6338; 2/9/2000.	Arcata Fish and Wildlife Office.
Phlox, Yreka	*Phlox hirsuta*	Endangered	California	65 FR 5268 5275; 2/3/2000.	Yreka Fish and Wildlife Office.
Rush-rose, island	*Helianthemum greenei.*	Threatened	California	62 FR 40954 40974; 7/31/1997.	Ventura Fish and Wildlife Office.
Sedge, white	*Carex albida*	Endangered	California	62 FR 54791 54808; 10/22/1997.	Sacramento Fish and Wildlife Office.
Spineflower, Howell's	*Chorizanthe howellii*	Endangered	California	57 FR 27848 27859; 6/22/1992.	Arcata Fish and Wildlife Office.
Spineflower, Scotts Valley.	*Chorizanthe robusta* var. *hartwegii.*	Endangered	California	59 FR 5499 5510; 2/4/1994.	Ventura Fish and Wildlife Office.
Sunshine, Sonoma	*Blennosperma bakeri*	Endangered	California	56 FR 61173 61182; 12/2/1991.	Sacramento Fish and Wildlife Office.
Thistle, La Graciosa	*Cirsium loncholepis*	Endangered	California	65 FR 14888 14898; 3/20/2000.	Ventura Fish and Wildlife Office.

What is a Distinct Population Segment?

Yellow-billed cuckoo, mountain yellow-legged frog, and western snowy plover were each listed as a Distinct Population Segment (DPS) of a vertebrate taxon. A DPS is defined in the February 7, 1996, Policy Regarding the Recognition of Distinct Vertebrate Population Segments (61 FR 4722). For a population to be listed under the Act as a distinct vertebrate population segment, three elements are considered: (1) The discreteness of the population segment in relation to the remainder of the species to which it belongs; (2) the significance of the population segment to the species to which it belongs; and (3) the population segment's conservation status in relation to the Act's standards for listing (*i.e.,* is the population segment endangered or threatened?). Distinct population segments of vertebrate species, as well as subspecies of all listed species, may be proposed for separate reclassification or for removal from the list. We will apply the DPS policy during the 5-year review.

Request for New Information

To ensure that a 5-year review is complete and based on the best available scientific and commercial information, we request new information from all sources. See What Information Do We Consider in Our Review? for specific criteria. If you submit information, please support it with documentation such as maps, bibliographic references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources.

To get more information on a species, submit information on a species; or review information we receive, please use the following contact information, depending on the Lead Fish and Wildlife Office for the species specified in the table above.

Arcata Fish and Wildlife Office: Kathleen Brubaker, 707–822–7201 (phone); *Kathleen_brubaker@fws.gov* (email); or 1655 Heindon Road, Arcata, CA 952121 (U.S. mail, hand-delivery, or in-person review of documents);

Carlsbad Fish and Wildlife Office: Bradd Baskerville-Bridges, 760–431–9440 (phone); *fw8cfwocomments@fws.gov* (email); or 2177 Salk Avenue, Suite 250, Carlsbad, CA 92008 (U.S. mail, hand-delivery, or in-person review of documents);

Klamath Falls Fish and Wildlife Office: Daniel Blake, 541–885–2512 (phone); *daniel_blake@fws.gov* (email); or 1936 California Ave., Klamath Falls, OR 97601 (U.S. mail, hand-delivery, or in-person review of documents);

Reno Fish and Wildlife Office: Erin Nordin, 760–872–5020 (phone); *erin_nordin@fws.gov* (email); or 351 Pacu Lane, Bishop, California 93514 (U.S. mail, hand-delivery, or in-person review of documents);

Sacramento Fish and Wildlife Office: Josh Hull, 916–414–6742 (phone); *josh_hull@fws.gov* (email); or 2800 Cottage Way, Suite W2605, Sacramento, California 95825 (U.S. mail, hand-delivery, or in-person review of documents);

San Francisco Bay-Delta Fish and Wildlife Office: Steven Detwiler, 916–930–2640 (phone); *steven_detwiler@fws.gov* (email); or 650 Capitol Mall, Sacramento, CA 95814 (U.S. mail, hand-delivery, or in-person review of documents);

Southern Nevada Fish and Wildlife Office: James Harter, 702–515–5230 (phone); *james_harter@fws.gov* (email; or 4701 N. Torrey Pines Dr., Las Vegas, NV 89130 (U.S. mail, hand-delivery, or in-person review of documents);

Ventura Fish and Wildlife Office: Cat Darst, 805–677–3318 (phone); *cat_darst@fws.gov* (email); or 2493 Portola Road, Suite B, Ventura CA 93003 (U.S. mail, hand-delivery, or in-person review of documents);

Yreka Fish and Wildlife Office: Nadine Kanim, 530–841–3108 (phone); *nadine_kanim@fws.gov* (email); or 1829 S Oregon Street, Yreka, California 96097 (U.S. mail, hand-delivery, or in-person review of documents).

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Comments and materials received will be available for public inspection, by appointment, during normal business hours at the offices to which the comments are submitted.

Authority

This document is published under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Jody Holzworth,

Acting Regional Director, Pacific Southwest Region, U.S. Fish and Wildlife Service.

[FR Doc. 2018–12974 Filed 6–15–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025528; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Heard Museum, Phoenix, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Heard Museum has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Heard Museum. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Heard Museum at the address in this notice by July 18, 2018.

ADDRESSES: David Roche, Director/CEO, Heard Museum, 2301 North Central Avenue, Phoenix, AZ 85004, telephone (602) 252–8840, email *director@heard.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Heard Museum, Phoenix, AZ. The human remains were removed from Navajo County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Heard Museum professional staff in consultation with representatives of the Hopi Tribe of Arizona and Zuni Tribe of the Zuni Reservation, New Mexico.

History and Description of the Remains

Sometime prior to 1991, human remains representing, at minimum, one individual were removed from Navajo County, AZ. In 1991, the human remains were found in museum storage and assigned catalog number NA–SW–PR–T–5. The individual was an adult aged 18–20 years, of unknown gender. No known individuals were identified. No associated funerary objects were present. A note with the remains identified it as ''Pueblo.''

Determinations Made by the Heard Museum

Officials of the Heard Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and Hopi Tribe of Arizona and Zuni Tribe of the Zuni Reservation, New Mexico.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to David Roche, Director/CEO, Heard Museum, 2301 North Central Avenue, Phoenix, AZ 85004, telephone (602) 252–8840, email *director@heard.org,* by July 18, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Hopi Tribe of Arizona; Pueblo of Acoma, New Mexico; Pueblo of Laguna, New Mexico; and Zuni Tribe of the Zuni Reservation, New Mexico may proceed.

The Heard Museum is responsible for notifying the Hopi Tribe of Arizona and Zuni Tribe of the Zuni Reservation, New Mexico that this notice has been published.

Dated: May 2, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–13034 Filed 6–15–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025638; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: La Plata County Historical Society, Durango, CO; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The La Plata County Historical Society has corrected a Notice of Inventory Completion published in the **Federal Register** on April 4, 2018. This notice corrects a paragraph that contains an error.

ADDRESSES: Kathy McKenzie, Board President, La Plata County Historical Society, 3065 W 2nd Avenue, Durango, CO 81301, telephone (970) 259–2402, email *director@animasmuseum.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal

agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

This notice corrects a Notice of Inventory Completion published in the **Federal Register** (83 FR 14490–14492, April 4, 2018). A paragraph summarizing the determinations made by the La Plata County Historical Society cited an incorrect reference in the original notice.

Correction

In the **Federal Register** (83 FR 14492, April 4, 2018), column 2, paragraph 1, under the heading ''Determination Made by the La Plata County Historical Society, Durango, CO'' is corrected by substituting the following paragraph:

Pursuant to 25 U.S.C. 3005(a), the repatriation of the human remains may be to The Tribes.

Dated: May 21, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–13043 Filed 6–15–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025610: PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Nevada, Las Vegas, Department of Anthropology, Las Vegas, NV

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of Nevada, Las Vegas, (UNLV) Department of Anthropology has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the UNLV Department of Anthropology. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the UNLV Department of Anthropology at the address in this notice by by July 18, 2018.

ADDRESSES: Dr. Barbara Roth, Department of Anthropology, University of Nevada, Las Vegas, Box 455003, 4505 S. Maryland Parkway, Las Vegas, NV 89154 telephone (702) 895–3646, email *Barbara.Roth@unlv.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the UNLV Department of Anthropology. The human remains and associated funerary objects were removed from Indian Springs, Clark County, NV.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the UNLV Department of Anthropology professional staff in consultation with representatives of the Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada; Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada; Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada; Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada; and Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada.

History and Description of the Remains

On an unknown date, human remains representing, at minimum, one individual were removed from Indian Springs in Clark County, NV. The human remains, designated as AHUR 142 (also referred to as AHUR 142X), were collected by Mr. Robert Hopkins and subsequently given to Dr. Sheilagh Brooks, an anthropologist in the Department of Anthropology at UNLV. They consist of the mostly complete mummified remains of an infant between 0 and 12 months old. No known individuals were identified. The four associated funerary objects are a necklace of tubular bone beads found around the left arm and neck, wooden sticks belonging to a cradleboard, vegetable fibers that served as matting, and a rope.

The human remains were collected near the town of Indian Springs, located 45 miles north of Las Vegas. Indian Springs is within the western Paiute and Shoshone traditional occupation area. Ted Howard, Cultural Resources Director for the Shoshone-Paiute Tribes of the Duck Valley Reservation, NV, has indicated that the cradle is typical of those used by Great Basin Native Americans. Archeological research confirms that the cradleboard and other funerary objects are consistent with assemblages found within the territory occupied by the western Paiute and Shoshone in the historic and pre-European contact eras.

Determinations Made by the University of Nevada, Las Vegas (UNLV) Department of Anthropology

Officials of the UNLV Department of Anthropology have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the four objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Alturas Indian Rancheria, California; Arapaho Tribe of the Wind River Reservation, Wyoming; Big Pine Paiute Tribe of the Owens Valley (previously listed as the Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California); Bishop Paiute Tribe (previously listed as the Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, California); Bridgeport Indian Colony (previously listed as the Bridgeport Paiute Indian Colony of California); Buena Vista Rancheria of the Me-Wuk Indians of California; Cedarville Rancheria, California; Chemehuevi Indian Tribe of the Chemehuevi Reservation, California; Confederated Tribes of the Goshute Reservation,

Nevada and Utah; Death Valley Timbi-sha Shoshone Tribe (previously listed as the Death Valley Timbi-Sha Shoshone Band of California); Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada; Ely Shoshone Tribe of Nevada; Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California; Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada; Lone Pine Paiute-Shoshone Tribe (previously listed as the Paiute-Shoshone Indians of the Lone Pine Community of the Lone Pine Reservation, California); Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada; Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada; Northwestern Band of the Shoshone Nation (previously listed as Northwestern Band of Shoshoni Nation and the Northwestern Band of Shoshoni Nation of Utah (Washakie)); Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Indian Peaks Band of Paiutes (formerly Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes)); Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada; Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada; Reno-Sparks Indian Colony, Nevada; San Juan Southern Paiute Tribe of Arizona; Shoshone-Bannock Tribes of the Fort Hall Reservation; Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada; Summit Lake Paiute Tribe of Nevada; Te-Moak Tribe of Western Shoshone Indians of Nevada (Four constituent bands: Battle Mountain Band; Elko Band; South Fork Band and Wells Band); Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation, California; Walker River Paiute Tribe of the Walker River Reservation, Nevada; Washoe Tribe of Nevada and California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community & Washoe Ranches); Winnemucca Indian Colony of Nevada; Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada; and Yomba Shoshone Tribe of the Yomba Reservation, Nevada (hereinafter referred to as ''The Tribes'').

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Barbara Roth, Department of Anthropology, University of Nevada, Las Vegas, Box 455003, 4505 S. Maryland Parkway, Box 455003, Las Vegas, NV 89154, telephone (702) 895–3646, email *Barbara.Roth@unlv.edu,* by July 18, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

The UNLV Department of Anthropology is responsible for notifying The Tribes that this notice has been published.

Dated: May 15, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–13029 Filed 6–15–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025562; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Riverside Metropolitan Museum, Riverside, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Riverside Metropolitan Museum, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the Riverside Metropolitan Museum. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the Riverside Metropolitan Museum at the address in this notice by July 18, 2018.

ADDRESSES: Robyn G. Peterson, Ph.D., Museum Director, Riverside Metropolitan Museum, 3580 Mission Inn Avenue, Riverside, CA 92501, telephone (951) 826–5792, email *rpeterson@riversideca.gov*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the Riverside Metropolitan Museum, Riverside, CA, that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item(s)

In 1930, Samuel C. Evans purchased a string of shell and stone beads in a cloth bag from Clark's Store, San Diego County, CA. In 1996, a collection of Native American materials (RMM Accn. #A1524) from the estate of Samuel C. Evans was donated to the Riverside Municipal Museum by his son Samuel W. Evans. This donation included the string of shell and stone beads in a cloth bag. The two unassociated funerary objects have been determined to be from the Rincon Band of Luiseño Indians based on cultural and historical evidence. In Kroeber's *Ethnography of the Cahuilla Indians* (1908), he analyzed beads found in a burial at San Jacinto, describing them as less regular than other specimens. The string of beads in question has the characteristics of traditional Luiseño beads as utilized by the people of the Rincon Band of Luiseño Indians.

Information provided during consultations documented that Clark's store in San Diego County, CA, was within the traditional aboriginal territory of the Rincon Band of Luiseño Indians. The Rincon Band of Luiseño Indians Museum Specialist wrote ''The Rincon store was located on the southwest corner of Pala Road (Highway 76) and Valley Center Road and clearly within the traditional territory of the Tribe, and in immediate proximity to its current reservation boundaries. . . . The Tribe has no doubt that the string of bead and the bag are funerary objects and came from the traditional territory of the Rincon Band of Luiseño Indians'' (9/19/2017).

Determinations Made by the Riverside Metropolitan Museum

Officials of the Riverside Metropolitan Museum have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the two cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Robyn G. Peterson, Ph.D., Museum Director, Riverside Metropolitan Museum, 3580 Mission Inn Avenue, Riverside, CA 92501, telephone (951) 826–5792, email *rpeterson@riversideca.gov,* by July 18, 2018. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to the Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California may proceed.

The Riverside Metropolitan Museum is responsible for notifying the Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California that this notice has been published.

Dated: May 9, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–13038 Filed 6–15–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025563; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Arkansas Museum Collections, Fayetteville, AR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of Arkansas Museum Collections has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the University of Arkansas Museum Collections. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the University of Arkansas Museum Collections at the address in this notice by July 18, 2018.

ADDRESSES: Mary Suter, University of Arkansas Museum Collections, Biomass Building 125, 2435 North Hatch Avenue, Fayetteville, AR 72704, telephone (479) 575–3456, email *msuter@uark.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the University of Arkansas Museum Collections, Fayetteville, AR. The human remains were removed from the Roden Site (34MC215), McCurtain County, OK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the University of Arkansas Museum Collections professional staff in consultation with representatives of the Caddo Nation of Oklahoma.

History and Description of the Remains

Between 1976 and 1978, human remains representing, at minimum, 47 individuals were removed from Roden Site (34MC215) in McCurtain, OK, by the Museum of the Red River, Gregory Perino, and Lester Roden. At a date prior to 1981, the human remains were sent to the University of Arkansas for bioarcheological analysis and subsequently, they were donated to University of Arkansas Museum Collections by Jerome Rose. The human remains consist of 13 adult males, 12 adult females, nine children, four infants, and nine adults of unknown sex (2004–4–(1–44), 2004–4–10–1, 2 & 3, 2004–4–22–1, 2). No known individuals were identified. No associated funerary objects are present.

The Roden site is located on an alluvial terrace of the Red River in southeastern Oklahoma. According to Perino, excavations and radiocarbon dates strongly correlate with a Caddo presence stretching from A.D. 1300 to 1650, which is described as the McCurtain Phase. This date can be split into two periods of intense use; the first being approximately A.D. 1300 and the second occurring between A.D.1510–1620. The human remains are associated with the second phase. Descendants of the Caddo are members of the Caddo Nation of Oklahoma.

On an unknown date, human remains representing, at minimum, seven individuals were removed from the Bowman/Wallace site (3LR50), Little River County, AR, by unknown persons. The human remains were donated to the University of Arkansas Anthropology Department at an unknown date. In 2006, they were transferred to the University of Arkansas Museum Collections. No known individuals were identified. No associated funerary objects are present.

On an unknown date, human remains representing, at minimum, one individual were removed from the Georgia Lake site (3OU112), Ouachita County, AR, by unknown persons. The human remains were donated to the University of Arkansas Anthropology Department at an unknown date. In 2006, they were transferred to the University of Arkansas Museum Collections. No known individuals were identified. No associated funerary objects are present.

Based on the geographic region, diagnostic artifacts reported at the sites, site organization, and methods of interment, the human remains removed from burials at the two sites described above date to the Fourche Maline period (A.D. 500–800) and/or Caddoan period

(A.D. 800–1600). Archeological evidence suggests a cultural continuity through these periods. Archeological and historical evidence indicate that Caddoan peoples occupied the Ouachita Mountains and southwestern Arkansas during both time periods. The present-day descendants of the Caddo are members of the Caddo Nation of Oklahoma.

Determinations Made by the University of Arkansas Museum Collections

Officials of the University of Arkansas Museum Collections have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 55 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Caddo Nation of Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Mary Suter, University of Arkansas Museum Collections, Biomass Building 125, 2435 North Hatch Avenue, Fayetteville, AR 72704, telephone (479) 575–3456, email *msuter@uark.edu.,* by July 18, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Caddo Nation of Oklahoma may proceed.

The University of Arkansas Museum Collections is responsible for notifying the Caddo Nation of Oklahoma that this notice has been published.

Dated: May 9, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–13039 Filed 6–15–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025535; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Arkansas Highway and Transportation Department, Little Rock, AR; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The Arkansas State Highway and Transportation Department has corrected an inventory of human remains and associated funerary objects published in a Notice of Inventory Completion in the **Federal Register** on August 21, 2008. This notice corrects the minimum number of individuals and the number of associated funerary objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Arkansas State Highway and Transportation Department. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Arkansas State Highway and Transportation Department at the address in this notice by July 18, 2018.

ADDRESSES: Kristina Boykin, Arkansas State Highway and Transportation Department, P.O. Box 2261, Little Rock, AR 72203, telephone (501) 569–2079, email *Kristina.Boykin@ahtd.ar.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the correction of an inventory of human remains and associated funerary objects under the control of the Arkansas State Highway and Transportation Department, Little Rock, AR. The human remains and associated funerary objects were removed from Poinsett County, AR.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

This notice corrects the minimum number of individuals and the number of associated funerary objects published in a Notice of Inventory Completion in the **Federal Register** (73 FR 49483, August 21, 2008). The additional individuals and funerary objects were reported to the Arkansas State Highway and Transportation Department by the University of Missouri, American Archeology Division. Transfer of control of the items in this correction notice has not occurred.

Correction

In the **Federal Register** (73 FR 499483, August, 21, 2008), column 1, paragraph 4 is corrected by substituting the following paragraph:

> In 1988, human remains representing a minimum of 16 individuals were recovered from the Priestly site (3PO490) in Poinsett County, AR, by the Center for Archaeological Research, Southwest Missouri State University, Springfield, MO. The human remains were sent to the University of Missouri, Columbia for analysis. The human remains were transferred to the Arkansas Highway and Transportation Department in 2004 and 2018 and then to the Arkansas Archeological Survey for curation in 2008 and 2018. No known individuals were identified. The 57 associated funerary objects are two Landers points, one Gary point, one point, 42 plain shell-tempered body sherds, 10 sherds, and one plain shell-tempered sherd from the rim of a bowl.

In the **Federal Register** (73 FR 499483, August, 21, 2008), column 2, paragraph 7, sentence 1 is corrected by substituting the following sentence:

> Officials of the Arkansas Highway and Transportation have determined that, pursuant to 25 U.S.C. 2001 (9–10), the human remains described above represent the physical remains of at least 16 individuals of Native American ancestry.

In the **Federal Register** (73 FR 499483, August, 21, 2008), column 2, paragraph 7, sentence 2 is corrected by substituting the following sentence:

> Officials of the Arkansas Highway and Transportation also have determined that, pursuant to 25 U.S.C. 3001 (3)(A), the 57 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Kristina Boykin, Arkansas State Highway and Transportation Department, P.O. Box 2261, Little Rock, AR 72203, telephone (501) 569–2079, email *Kristina.Boykin@ahtd.ar.gov,* by July 18, 2018. After that date, if no

additional requestors have come forward,, transfer of control of the human remains and associated funerary objects to the Quapaw Tribe of Indians may proceed.

The Arkansas State Highway and Transportation Department is responsible for notifying the Quapaw Tribe of Indians that this notice has been published.

Dated: May 3, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–13035 Filed 6–15–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025477; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Heard Museum, Phoenix, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Heard Museum has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Heard Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Heard Museum at the address in this notice by July 18, 2018.

ADDRESSES: David Roche, Director/CEO, Heard Museum, 2301 N Central Avenue, Phoenix, AZ 85004, telephone (602) 252–8840, email *director@heard.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Heard Museum, Phoenix, AZ. The human remains and associated funerary objects were removed from Maricopa and Pinal Counties, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Heard Museum professional staff in consultation with representatives of Ak-Chin Indian Community (previously listed as the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona); Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and Tohono O'odham Nation of Arizona.

History and Description of the Remains

Prior to 1952, human remains representing, at minimum, seven individuals were removed from La Ciudad in Maricopa County, AZ. The seven individuals were collected by Frank Mitalsky, a.k.a. Frank Midvale, probably in the 1920s, and were subsequently transferred to the Heard Museum prior to 1952. The individuals include one adult of unknown gender; one young adult, probably female; one middle-aged adult, possibly male; one adult male 30–35 years old; one young female; one adolescent about 10–12 years old; and one newborn. No known individuals were identified. The 51 associated funerary objects are six jars, 28 potsherds, two shells, nine shell fragments, three fragments of mica, one stone disk, one bone bead, and one stone flake. La Ciudad was a very large Hohokam settlement which was inhabited from about AD 650 to 1450.

Sometime prior to 1969, human remains representing, at minimum, one individual were removed from an unknown site in AZ. In 1969, they were donated to the Heard Museum by Mrs. D.T. Bergin, Sr. of Tucson, AZ. The human remains belong to an adult of unknown gender. No known individuals were identified. The one associated funerary object is a jar. The jar conforms to the Hohokam pottery type known as ''Gila Plain.''

Prior to 1960, human remains representing, at minimum, three individuals were removed from an unknown site in AZ. Prior to coming to the Heard Museum in 1970, the remains were purchased by Harold R. Kennedy from Claud Black, who purchased them from a Mr. Cross between 1935 and 1960. The remains consist of one middle aged adult of unknown gender, one younger person of unknown gender; and one adult aged 30–45, probably male. No known individuals were identified. The four associated funerary objects are three jars and one jar cover. One of the jars conforms to the Hohokam pottery type known as ''Salt Red.'' The other three ceramics conform to the Hohokam pottery type known as ''Gila Plain.''

Prior to 1952, human remains representing, at minimum, five individuals were removed from a site two miles southwest of Sacaton, Pinal County, AZ. These remains were collected by Carl A. Moosberg, and include one elderly male; two individuals, possibly male and female; one female older adult; and one individual who was probably female. No known individuals were identified. The six associated funerary objects are three jars, one bowl, one lid, and one potsherd. The jars, bowl and lid all conform to the Hohokam pottery type known as ''Sacaton.''

Prior to 1952, human remains representing, at minimum, one individual were removed from southern AZ. The individual was a middle-aged male. No known individuals were identified. The one associated funerary object was a jar. The jar conforms to the Hohokam pottery type known as ''Casa Grande.''

Prior to 1952, human remains representing, at minimum, three individuals were removed from a site near Cashion, Maricopa County, AZ. These remains were collected by Russell Cross, and include two young children and one infant. No known individuals were identified. The six associated funerary objects are one jar, three potsherds, one shell fragment, and one worked bone fragment. The jar conforms to the Hohokam pottery type known as ''Sacaton,'' and two of the potsherds conform to the Hohokam pottery type known as ''Gila Red.''

Prior to 1952, human remains representing, at minimum, one individual were removed from Maricopa County, AZ. The individual is an adult of unknown gender, who was found in the museum collection and determined by context to be Hohokam. No known

individuals were identified. No associated funerary objects are present.

The Hohokam lived in central and southern Arizona from about A.D. 1 to 1450. In 1989, the Ak-Chin Indian Community (previously listed as the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona); Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and Tohono O'odham Nation of Arizona stated that they are the present-day descendants of the ''Hohokam.''

Determinations Made by the Heard Museum

Officials of the Heard Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 21 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 69 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and Ak-Chin Indian Community (previously listed as the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona); Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and Tohono O'odham Nation of Arizona.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to David Roche, Director/CEO, Heard Museum, 2301 N Central Ave., Phoenix, AZ 85004, telephone (602) 252–8840, email *director@heard.org,* by July 18, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to Ak-Chin Indian Community (previously listed as the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona); Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and Tohono O'odham Nation of Arizona may proceed.

The Heard Museum is responsible for notifying the Ak-Chin Indian Community (previously listed as the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona); Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and Tohono O'odham Nation of Arizona that this notice has been published.

Dated: April 19, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–13030 Filed 6–15–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025556; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Berkshire Museum, Pittsfield, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Berkshire Museum has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Berkshire Museum. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Berkshire Museum at the address in this notice by July 18, 2018.

ADDRESSES: Jason Vivori, Berkshire Museum, 39 South Street, Pittsfield, MA 01201, telephone (413) 443–7171 ext. 341, email *jvivori@berkshiremuseum.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Berkshire Museum, Pittsfield, MA. The human remains were removed from Lake Shawano, Shawano County, WI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Berkshire Museum professional staff in consultation with representatives of the Menominee Indian Tribe of Wisconsin.

History and Description of the Remains

In 1889, human remains representing, at minimum, one individual were removed from Lake Shawano in Shawano County, WI. A paper tag attached to the human remains (three teeth) states, ''Taken from a Mound near Lake Shawan, Wisconsin By Dr. J. Jones—A.D. 1889.'' No known individuals were identified. There are no associated funerary objects present.

In a telephone conversation on November 13, 1995, the Menominee Indian Tribe of Wisconsin's NAGPRA contact (David Grignon) verified that Lake Shawano was part of the Menominee's historically documented territory. Dr. J. Jones most likely refers to Dr. Joseph Jones (1833–1896), who was a professor at the University of Louisiana (1872–1893). Dr. Jones' archaeological research focused on Mound Builder sites, as supported by a journal article, ''The Aboriginal Mound Builders of Tennessee'' in The American Journalist (Vol. 3, No. 2 (April 1869), pp. 57–73). This evidence supports the provenience information provided on the paper tag.

Determinations Made by the Berkshire Museum

Officials of the Berkshire Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individuals of Native American ancestry.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Menominee Indian Tribe of Wisconsin.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Jason Vivori, Berkshire Museum, 39 South Street, Pittsfield, MA 01201, telephone (413) 443–7171 ext. 341, email *jvivori@berkshiremuseum.org,* by July 18, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Menominee Indian Tribe of Wisconsin may proceed.

The Berkshire Museum is responsible for notifying the Menominee Indian Tribe of Wisconsin that this notice has been published.

Dated: May 9, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–13041 Filed 6–15–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025558; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Cincinnati Museum Center, Cincinnati, OH

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Cincinnati Museum Center has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Cincinnati Museum Center. If no additional requestors come forward, transfer of control of the human remains to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Cincinnati Museum Center at the address in this notice by July 18, 2018.

ADDRESSES: Robert Genheimer, Cincinnati Museum Center, 250 West Court Street, Suite 300E, Cincinnati, OH 45202, telephone (513) 846–4898, email *Rgenheimer@cincymuseum.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Cincinnati Museum Center. The human remains were removed from an unknown location in Boone County, KY.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Cincinnati Museum Center professional staff in consultation with representatives of the Cherokee Nation; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Miami Tribe of Oklahoma; Shawnee Tribe; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

History and description of the remains

At some point prior to 1996, human remains representing, at minimum, one individual were removed from an unknown location in Boone County, KY. The human remains were deposited at Cincinnati Museum Center by an unknown donor. Cincinnati Museum Center has no other information regarding the excavation of these human remains. The human remains are from an adult male of unknown age, and include one complete left humerus, one lumbar vertebrae, one partial left innominate, one left proximal femur, and one right proximal femur. No known individuals were identified. There are no funerary objects present.

Determinations made by the Cincinnati Museum Center

Officials of the Cincinnati Museum Center have determined that:

• Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on provenance information.

• Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of probable Native American ancestry.

• Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.

• According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains were removed is the aboriginal land of the Absentee-Shawnee Tribe of Indians of Oklahoma; Cherokee Nation; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Miami Tribe of Oklahoma; Shawnee Tribe; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

• Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to the Absentee-Shawnee Tribe of Indians of Oklahoma; Cherokee Nation; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Miami Tribe of Oklahoma; Shawnee Tribe; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Robert Genheimer, Cincinnati Museum Center, 250 West Court Street, Cincinnati, OH 45202, telephone (513) 455–7161, email *Rgenheimer@cincymuseum.org* by July 18, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Absentee-Shawnee Tribe of Indians of Oklahoma; Cherokee Nation; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Miami Tribe of Oklahoma; Shawnee Tribe; and the United Keetoowah Band of Cherokee Indians in Oklahoma may proceed.

The Cincinnati Museum Center is responsible for notifying the Absentee-Shawnee Tribe of Indians of Oklahoma; Cherokee Nation; Eastern Band of Cherokee Indians; Eastern Shawnee

Tribe of Oklahoma; Miami Tribe of Oklahoma; Shawnee Tribe; and the United Keetoowah Band of Cherokee Indians in Oklahoma that this notice has been published.

Dated: May 9, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–13031 Filed 6–15–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025465; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: New Jersey State Museum, Trenton, NJ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The New Jersey State Museum has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the New Jersey State Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the New Jersey State Museum at the address in this notice by July 18, 2018.

ADDRESSES: Dr. Gregory D. Lattanzi, Bureau of Archaeology & Ethnology, New Jersey State Museum, 205 West State Street, Trenton, NJ 08625, telephone (609) 984–9327, email *gregory.lattanzi@sos.nj.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the New Jersey State Museum, Trenton, NJ. The human remains and associated funerary objects were removed from the Abbott Farm National Historic Landmark, Mercer County, NJ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the New Jersey State Museum professional staff in consultation with representatives of Delaware Nation, Oklahoma; Delaware Tribe of Indians; and Stockbridge Munsee Community, Wisconsin.

History and Description of the Remains

Human remains representing, at minimum, 39 individuals were removed from the Abbott Farm National Historic Landmark in Mercer County, NJ, by the Indian Site Survey, which performed archeological excavations for the New Jersey State Museum from 1936 to 1940. No known individuals were identified. The 4,751 associated funerary objects are 470 lithics, 3,277 pottery sherds, 1,000 rolled copper beads, three copper boatstones, and one copper concretion.

At an unknown date, human remains representing, at minimum, two individuals were removed from the Abbott Farm National Historic Landmark in Mercer County, NJ, by Mr. Norman Lister. No known individuals were identified. The 623 associated funerary objects are five drilled shell beads, 438 small rolled copper beads, one piece of charred material, 45 lithics and 134 potsherds.

Human remains representing, at minimum, three individuals were removed from the Abbott Farm National Historic Landmark in Mercer County, NJ, by Dr. Janet Pollak in 1966, during the Archaeological Society of New Jersey Unami Chapter excavations around the Watson House. No known individuals were identified. The six associated funerary objects are five pottery sherds and one prehistoric ceramic pipe.

At an unknown date, human remains representing, at minimum, one individual were removed from the Abbott Farm National Historic Landmark (Lalor Farm) in Mercer County, NJ, by Dr. John Wittekind and given to the New Jersey State Museum. No known individuals were identified. No associated funerary objects are present.

Human remains representing, at minimum, one individual were removed from the Abbott Farm National Historic Landmark in Mercer County, NJ, in 1985 by a Mr. Griswold who gave them to the New Jersey State Museum. No known individuals were identified. No associated funerary objects are present.

Determinations Made by the New Jersey State Museum

Officials of the New Jersey State Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 46 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 5,380 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Delaware Nation, Oklahoma; Delaware Tribe of Indians; and Stockbridge Munsee Community, Wisconsin.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Gregory D. Lattanzi, Bureau of Archaeology & Ethnology, New Jersey State Museum, 205 West State Street, Trenton, NJ 08625, telephone (609) 984–9327, email *gregory.lattanzi@sos.nj.gov,* by July 18, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Delaware Nation, Oklahoma; Delaware Tribe of Indians; and Stockbridge Munsee Community, Wisconsin, may proceed.

The New Jersey State Museum is responsible for notifying the Delaware Nation, Oklahoma; Delaware Tribe of Indians; and Stockbridge Munsee

Community, Wisconsin, that this notice has been published.

Dated: April 19, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–13033 Filed 6–15–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–25684; 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 26, 2018, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by July 3, 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 26, 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:

CALIFORNIA

Sonoma County

Cunningham—Hembree Estate, 9225 Foxwood Dr., Windsor, SG100002638

NEW HAMPSHIRE

Carroll County

Eagle Cliff (Squam MPS), Address Restricted, Sandwich vicinity, MP100002640

Jimmy Point Camp (Squam MPS), Address Restricted, Sandwich vicinity, MP100002641

Lucknow, 455 Old Mountain Rd., Moultonborough, SG100002642

OHIO

Jackson County

Battle of Berlin Heights Engagement Site (Morgan's Raid in Kentucky, Indiana and Ohio MPS), E½ NW¼ & W½ NE¼ S19, T7NR17W, Berlin Crossroads vicinity, MP100002645

OREGON

Washington County

Shute—Meierjurgen Farmstead, 4825 NE Starr Blvd., Hillsboro vicinity, SG100002647

WISCONSIN

Sheboygan County

Rietz, Charles T. and Gertrude, House, W6582 State Trunk Hwy. 144, Silver Creek, SG100002649

An owner objection received for the following resource:

CALIFORNIA

Ventura County

Top Hat Hot Dog Stand, 297–299 E Main St., Ventura, SG100002639

Additional documentation has been received for the following resource:

OHIO

Stark County

Stewart, Harry Bartlett, Property, 13480 Congress Lake Rd., Hartville vicinity, AD82003653

Authority: Section 60.13 of 36 CFR part 60.

Dated: May 30, 2018.

Christopher Hetzel,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2018–12924 Filed 6–15–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025612; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Heard Museum, Phoenix, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Heard Museum has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Heard Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Heard Museum at the address in this notice by July 18, 2018.

ADDRESSES: David Roche, Director/CEO, Heard Museum, 2301 North Central Avenue, Phoenix, AZ 85004, telephone (602) 252–8840, email *director@heard.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Heard Museum, Phoenix, AZ. The human remains and associated funerary objects were removed from the Grand Canyon area, Mohave County or Coconino County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Heard Museum professional staff in consultation with representatives of the Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; and Three

Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

History and description of the remains

Prior to 1991, human remains representing, at minimum, one individual were removed from the Grand Canyon area, Mohave County or Coconino County, AZ. In 1991, the human remains were found in the Heard Museum collection and assigned the catalog number NA–SW–PR–T–3. Through consultation, it was determined that the individual was a male aged 35–40 years, from the time period around A.D. 700–800. No known individuals were identified. The eight associated funerary objects include one mano (grinding stone), six potsherds and one iron ore fragment.

Ancestral Pueblo people began making pottery in the Grand Canyon area starting around A.D. 500. The Hopi Tribe claims cultural affiliation to prehistoric cultures who populated the Grand Canyon area, including the Pueblo culture. Based on the associated funerary objects, Hualapai Tribe representatives stated that the remains may have come from the Grand Canyon area.

Determinations made by the Heard Museum

Officials of the Heard Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the eight objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Havasupai Tribe of the Havasupai Reservation, Arizona; Hopi Tribe of Arizona; and Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to David Roche, Director/CEO, Heard Museum, 2301 North Central Avenue, Phoenix, AZ 85004, telephone (602) 252–8840, email *director@heard.org,* by July 18, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Havasupai Tribe of the Havasupai Reservation, Arizona; Hopi Tribe of Arizona; and Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona, may proceed.

The Heard Museum is responsible for notifying the Havasupai Tribe of the Havasupai Reservation, Arizona; Hopi Tribe of Arizona; and Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona, that this notice has been published.

Dated: May 15, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–13036 Filed 6–15–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025560; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Riverside Metropolitan Museum, Riverside, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Riverside Metropolitan Museum has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Riverside Metropolitan Museum. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Riverside Metropolitan Museum at the address in this notice by July 18, 2018.

ADDRESSES: Robyn G. Peterson, Ph.D., Museum Director, Riverside Metropolitan Museum, 3580 Mission Inn Avenue, Riverside, CA 92501, telephone (951) 826–5792, email *rpeterson@riversideca.gov*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Riverside Metropolitan Museum, Riverside, CA. The human remains were removed from near Coalinga, Fresno County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Riverside Metropolitan Museum professional staff in consultation with representatives of the Santa Rosa Indian Community of the Santa Rosa Rancheria, California.

History and Description of the Remains

Before 1950, human remains representing, at minimum, one individual were removed from near Coalinga in Fresno County, CA. The human remains were donated to the Riverside Municipal Museum in 1968. No known individuals were identified. No associated funerary objects are present.

The human remains were determined to be Native American based on osteological and archeological evidence (Moser, 1998, transfer from Riverside Metropolitan Museum's Natural History Collection to Anthropology Collection, record update). Information provided during consultations shows that Coalinga, Fresno County, CA is within the traditional aboriginal territory of the Southern Yokut. Historical and anthropological sources state that Coalinga, Fresno County, CA, was inhabited by the Southern Yokut (Kroeber, 1976).

Determinations Made by the Riverside Metropolitan Museum

Officials of the Riverside Metropolitan Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Santa Rosa Indian Community of the Santa Rosa Rancheria, California.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remain should submit a written request with information in support of the request to Robyn G. Peterson, Ph.D., Museum Director, Riverside Metropolitan Museum, 3580 Mission Inn Avenue, Riverside, CA 92501, telephone (951) 826–5792, email *rpeterson@riversideca.gov,* by July 18, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Santa Rosa Indian Community of the Santa Rosa Rancheria, California, may proceed.

The Riverside Metropolitan Museum is responsible for notifying the Santa Rosa Indian Community of the Santa Rosa Rancheria, California, that this notice has been published.

Dated: May 9, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–13037 Filed 6–15–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025565; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: History Museum on the Square, Springfield, MO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The History Museum on the Square has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the History Museum on the Square. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the History Museum on the Square at the address in this notice by July 18, 2018.

ADDRESSES: Glenna Dement, History Museum on the Square, P.O. Box 2963, Springfield, MO 65801, telephone (417) 249–0025, email *glenna@historymuseumonthesquare.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the History Museum on the Square. The human remains and associated funerary objects were removed from the Moon Valley Cave, Dallas County, MO.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by professional staff from the History Museum on the Square in consultation with representatives of The Osage Nation (previously listed as the Osage Tribe).

History and description of the remains

At some time in the 1940s, human remains representing, at minimum, one individual were removed from a burial location known at that time as Moon Valley Cave in Dallas County, MO by Harrison Powell. The human remains were inventoried by Dr. Mike Conner, who worked for the Center for Archaeological Research at Southwest Missouri State University (today, Missouri State University). Based upon analyses of the teeth and epiphyseal union, Dr. Conner concluded that the human remains were that of a child between two and five years old. No known individual was identified. The 244 associated funerary objects include 1 biface fragment, 2 drill fragments, 23 bone fragments, 2 flakes, 39 projectile points, 168 pottery sherds, 1 bullet without a casing, 1 pipe bowl fragment, and 7 pieces of rock.

The human remains and associated funerary objects remained in Harrison Powell's collection until his death, whereupon the collection passed to his son, Clell Powell who, in turn, donated it to the History Museum on the Square at different dates between 1994 and 1996. Between 2006 and 2007, the human remains were sent to the Missouri Institute of Natural Science (MINS) to be chemically stabilized with Butvar-76, a polyvinyl butyral resin often used as an adhesive or coating agent by museums and curation facilities. Pottery sherds associated with the burial were identified by the Center for Archaeological Research as belonging to the Woodland period. Based on the archeological evidence, the human remains are believed to be Native American. Cultural affiliation of the human remains and associated funerary objects with The Osage Nation (previously listed as The Osage Tribe) has been determined based on geographical and historical information in addition to oral traditions and regional archeological evidence.

Determinations made by the History Museum on the Square

Officials of the History Museum on the Square have determined that:

• Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.

• Pursuant to 25 U.S.C. 3001(3)(A), the 244 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and The Osage Nation (previously listed as the Osage Tribe).

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of

the request to Glenna Dement, History Museum on the Square, P.O. Box 2963, Springfield, MO 65801, telephone (417) 249–0025, email *glenna@historymuseumonthesquare.org,* by July 18, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Osage Nation (previously listed as the Osage Tribe) may proceed.

The History Museum on the Square is responsible for notifying The Osage Nation (previously listed as the Osage Tribe) that this notice has been published.

Dated: May 9, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–13028 Filed 6–15–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025564; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Arkansas Museum Collections, Fayetteville, AR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of Arkansas Museum Collections has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the University of Arkansas Museum Collections. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human and associated funerary objects remains should submit a written request with information in support of the request to the University of Arkansas Museum Collections at the address in this notice by July 18, 2018.

ADDRESSES: Mary Suter, University of Arkansas Museum Collections, Biomass Building 125, 2435 North Hatch Avenue, Fayetteville, AR 72704, telephone (479) 575–3456, email *msuter@uark.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the University of Arkansas Museum Collections, Fayetteville, AR. The human remains and associated funerary objects were removed from Spiro Mound (34LF40), Le Flore County, OK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the University of Arkansas Museum Collections professional staff in consultation with representatives of the Caddo Nation of Oklahoma and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma.

History and Description of the Remains

In the 1930s, human remains representing, at minimum, three individuals were removed from Spiro Mound in Le Flore County, OK. Samuel Dellinger, Curator of the University of Arkansas Museum, purchased these remains after they had been removed from the site by the Pocola Mining Company, which leased the land on which Spiro Mound is located. The company removed human remains and artifacts from the site between 1933 and 1935. The human remains—three skulls—entered the University of Arkansas Museum collections in 1937. No known individuals were identified. The one associated funerary object is a fragmented copper band that had been placed around the head of one of the individuals.

Spiro Mound is believed to have been occupied for at least 550 years. Evidence of a Woodland period occupation of the site may be related to the Fourche Maline phase of that period. James A. Brown divides the Mississippi period occupation of Spiro Mound into four phases, beginning around A.D. 900 and ending around A.D. 1450: The Evans Phase, which dated from A.D. 900–1050; the Harlan Phase, which dated from A.D. 1050 to A.D. 1100–1250; the Norman Phase, dating between A.D 1250 and 1350; and the Spiro Phase, which lasted until 1450. The human remains and copper band from the Pocola mining company excavations of the 1930s likely came from Craig mound. This mound was initially built in the Harlan phase (A.D. 1050–1250), but saw its most intense use as a ceremonial and burial site in the Norman and Spiro phases (A.D. 1250–1450). It is believed by many archeologists that the Caddo and Wichita were both culturally descended from the peoples who used the Spiro Mound site. Spiro is located within an area archeologically and ethnographically considered to have been occupied by a group ancestral to both the Caddo and Wichita. Based upon geographical, archeological, and historical evidence, and expert opinion, the University of Arkansas Museum Collections reasonably believes the Caddo and Wichita are culturally affiliated with the human remains described here. The present-day descendants of the Caddo are members of the Caddo Nation of Oklahoma and the present-day descendants of the Wichita are members of the Wichita and Affiliated Tribes, Oklahoma.

Determinations Made by the University of Arkansas Museum Collections

Officials of the University of Arkansas Museum collections have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the one object described in this notice is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Caddo Nation of Oklahoma and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Mary Suter, University of Arkansas Museum Collections, Biomass Building 125, 2435 North Hatch Avenue, Fayetteville, AR 72704, telephone (479) 575–3456, email *msuter@uark.edu,* by July 18, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Caddo Nation of Oklahoma and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma may proceed.

The University of Arkansas Museum Collections is responsible for notifying the Caddo Nation of Oklahoma and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma that this notice has been published.

Dated: May 9, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–13040 Filed 6–15–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025525; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Heard Museum, Phoenix, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Heard Museum has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Heard Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Heard Museum at the address in this notice by July 18, 2018.

ADDRESSES: David Roche, Director/CEO, Heard Museum, 2301 North Central Avenue, Phoenix, AZ 85004, telephone (602) 252–8840, email *director@heard.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Heard Museum, Phoenix, AZ. The human remains and associated funerary objects are believed to have been removed from the State of Indiana.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Heard Museum professional staff in consultation with representatives of Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Miami Tribe of Oklahoma; and Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

History and Description of the Remains

Prior to 1991, human remains representing, at minimum, one individuals were removed from an otherwise unidentified Hopewell site in the State of Indiana. In 1991, the remains were found in the Heard Museum collection and assigned catalog number NA–MIS–PR–T–1. The individual is believed to be a male aged 18–25. No known individuals were identified. The one associated funerary object is a hoof core of either a deer or antelope. Hopewell culture flourished from approximately A.D. 1 to 500 in Indiana. The Miami Tribe of Oklahoma is culturally affiliated with Indiana Hopewell remains.

Determinations Made by the Heard Museum

Officials of the Heard Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the one object described in this notice is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Miami Tribe of Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to David Roche, Director/CEO, Heard Museum, 2301 North Central Avenue, Phoenix, AZ 85004, telephone (602) 252–8840, email *director@heard.org,* by July 18, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Miami Tribe of Oklahoma may proceed.

The Heard Museum is responsible for notifying the Miami Tribe of Oklahoma that this notice has been published.

Dated: May 2, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–13032 Filed 6–15–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025557: PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Berkshire Museum, Pittsfield, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Berkshire Museum has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has

determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Berkshire Museum. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Berkshire Museum at the address in this notice by July 18, 2018.

ADDRESSES: Jason Vivori, Berkshire Museum, 39 South Street, Pittsfield, MA 01201, telephone (413) 443–7171 ext. 341, email *jvivori@berkshiremuseum.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Berkshire Museum, Pittsfield, MA. The human remains were removed from Yankton, Yankton County, SD.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Berkshire Museum professional staff in consultation with Ann Marie Mires of the Department of Anthropology at the University of Massachusetts, Amherst, MA. Several attempts were made to contact the Yankton Sioux Tribe of South Dakota's NAGPRA representative by telephone in mid-November of 1995. Also, a letter with the inventory and osteological analysis was sent to the tribe by mail on November 16, 1995. There was no response to the letter by the Yankton Sioux Tribe of South Dakota at that time.

History and Description of the Remains

At an unknown date, human remains representing, at minimum, one individuals were removed from ''a mound'' in South Dakota. A typed note stored with the skull states ''Skull. Found by Rev. Edward R. Bradley, Lincoln Mass. Found in a mound in open prairie. The top of the mound was flat and twenty feet across. They were digging a cellar for a house and found other bones besides, Presented by P. Bradley.'' Handwritten in pencil on the note ''S. Dakota Yankton.'' Marked in ink on the right and left parietal section of the skull is ''48286 S. Dak,'' and marked in ink on the frontal section of the skull is ''48286 S.D.'' No known individuals were identified.

The age and exact location of the site is unknown, based on available records. No accession record or documentation of donation to the Berkshire Museum has been found. Osteological examination was performed by Ann Marie Mires of the Department of Anthropology at the University of Massachusetts, Amherst, MA, and a completed report was submitted to the Berkshire Museum on November 9, 1995. Based on the examination Ms. Mires was able to determine that the skull probably belonged to a female individual between 30 and 50 years of age. Biological affinity was determined ''Native American or Mongoloid'' due to a ''series of morphological and metric characteristics.'' These measurements were deemed tentative ''due to the fragmentary nature of the remains,'' and might suggest ''a mixed racial ancestry for this individual, combing Caucasian and Mongoloid descent.''

Determinations Made by the Berkshire Museum

Officials of the Berkshire Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Yankton Sioux Tribe of South Dakota.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Jason Vivori, Berkshire Museum, 39 South Street, Pittsfield, MA 01201, telephone (413) 443–7171 ext. 341, email *jvivori@berkshiremuseum.org,* by July 18, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Yankton Sioux Tribe of South Dakota may proceed.

The Berkshire Museum is responsible for notifying the Yankton Sioux Tribe of South Dakota that this notice has been published.

Dated: May 9, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–13042 Filed 6–15–18; 8:45 am]

BILLING CODE 4312–52–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m., Thursday, June 21, 2018.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street (All visitors must use Diagonal Road Entrance), Alexandria, VA 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED: 1. Board Briefing, Enterprise Solution Modernization Program Update.

2. Board Briefing, NCUA Rules and Regulations, Member Business Loans.

3. NCUA Rules and Regulations, Voluntary Mergers.

4. NCUA Rules and Regulations, Chartering and Field of Membership.

FOR FURTHER INFORMATION CONTACT: Gerard Poliquin, Secretary of the Board, Telephone: 703–518–6304.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2018–13136 Filed 6–14–18; 4:15 pm]

BILLING CODE 7535–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS) Meeting of the ACRS Subcommittee on Future Plant Designs; Notice of Meeting

The ACRS Subcommittee on Future Plant Designs will hold a meeting on June 19, 2018 at 11545 Rockville Pike, Room T–2B1, Rockville, Maryland 20852.

The entire meeting will be open to public attendance. The agenda for the subject meeting shall be as follows:

Tuesday, June 19, 2018—8:30 a.m. Until 12:00 p.m.

The Subcommittee will review the Advanced Reactor Licensing Modernization Framework. The Subcommittee will hear presentations by and hold discussions with NRC staff, industry representatives, and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Derek Widmayer (Telephone 301–221–1448 or Email *Derek.Widmayer@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 4, 2017 (82 FR 46312).

Detailed meeting agendas and meeting transcripts are available on the NRC website at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the website cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North Building, 11555 Rockville Pike, Rockville, Maryland 20852. After registering with Security, please contact Mr. Theron Brown (Telephone 301–415–6702) to be escorted to the meeting room.

Dated: June 12, 2018.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2018–12937 Filed 6–15–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0001]

Sunshine Act Meeting Notice

DATE: Weeks of June 18, 25, July 2, 9, 16, 23, 2018.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of June 18, 2018

Tuesday, June, 19, 2018

9:00 a.m. Briefing on Results of the Agency Action Review Meeting (Public Meeting); (Contact: Joanna Bridge: 301–415–4052).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Thursday, June 21, 2018

10:00 a.m. Meeting with the Organization of Agreement States and the Conference of Radiation Control Program Directors (Public Meeting); (Contact: Paul Michalak: 301–415–5804).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of June 25, 2018—Tentative

There are no meetings scheduled for the week of June 25, 2018.

Week of July 2, 2018—Tentative

There are no meetings scheduled for the week of July 2, 2018.

Week of July 9, 2018—Tentative

There are no meetings scheduled for the week of July 9, 2018.

Week of July 16, 2018—Tentative

There are no meetings scheduled for the week of July 16, 2018.

Week of July 23, 2018—Tentative

There are no meetings scheduled for the week of July 23, 2018.

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The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.*

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The NRC Commission Meeting Schedule can be found on the internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Kimberly Meyer-Chambers, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or you may email *Patricia.Jimenez@nrc.gov or Wendy.Moore@nrc.gov.*

Dated: June 13, 2018.

Denise L. McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2018–13086 Filed 6–14–18; 11:15 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Meeting of the Advisory Committee on Reactor Safeguards (ACRS) Subcommittee on Digital I&C Systems

The ACRS Subcommittee on Digital I&C Systems will hold a meeting on June 20, 2018, at 11545 Rockville Pike, Room T–2B1, Rockville, Maryland 20852.

The meeting will be open to public attendance. The agenda for the subject meeting shall be as follows:

Wednesday, June 20, 2018—8:30 a.m. Until 3:00 p.m.

The Subcommittee will have a briefing on the Integrated Action Plan to Modernize Digital Instrumentation and Control (I&C) Regulatory Infrastructure, Revision 2. The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons from the Nuclear Energy Institute (NEI) regarding this matter. Also an overview of the Digital Engineering Guide on Integrated Digital Systems Engineering will be presented

by the Electric Power Research Institute (EPRI). The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Christina Antonescu (Telephone 301–415–6792 or Email: *Christina.Antonescu@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 4, 2017 (82 FR 46312).

Detailed meeting agendas and meeting transcripts are available on the NRC website at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the website cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland 20852. After registering with Security, please contact Mr. Theron Brown (Telephone 301–415–6702) to be escorted to the meeting room.

Dated: June 13, 2018.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2018–13051 Filed 6–15–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS) Meeting of the ACRS Subcommittee on APR1400; Notice of Meeting

The ACRS Subcommittee on APR1400 will a meeting on June 19, 2018, at 11545 Rockville Pike, Room T–2B1, Rockville, Maryland 20852.

The meeting will be open to public attendance with the exception of portions that may be closed to protect information that is proprietary pursuant to 5 U.S.C. 552b(c)(4). The agenda for the subject meeting shall be as follows:

Tuesday, June 19, 2018, 1:00 p.m. Until 5:00 p.m.

The Subcommittee will review APR1400 design control document Chapter 6 (Engineered Safety Features), Chapter 13 (Conduct of Operation), and Chapter 14.3 (Inspections, Tests, Analyses, and Acceptance Criteria). The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested parties regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Christopher Brown (Telephone 301–415–7111 or Email: *Christopher.Brown@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 4, 2017 (82 FR 46312).

Detailed meeting agendas and meeting transcripts are available on the NRC website at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the website cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland 20852. After registering with Security, please contact Ms. Kendra Freeland (Telephone 301–415–6207) to be escorted to the meeting room.

Dated: June 12, 2018.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2018–12936 Filed 6–15–18; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

Product Change—Priority Mail Express and Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 18, 2018.

FOR FURTHER INFORMATION CONTACT: Elizabeth Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 12, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express & Priority Mail Contract 68 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–169, CP2018–241.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–12955 Filed 6–15–18; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 18, 2018.

FOR FURTHER INFORMATION CONTACT: Elizabeth Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 12, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 445 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–171, CP2018–243.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–12958 Filed 6–15–18; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express and Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 18, 2018.

FOR FURTHER INFORMATION CONTACT: Elizabeth Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 12, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express & Priority Mail Contract 67 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–167, CP2018–239.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–12954 Filed 6–15–18; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, & First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 18, 2018.

FOR FURTHER INFORMATION CONTACT: Elizabeth Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 12, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail, & First-Class Package Service Contract 38 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–172, CP2018–244.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–12959 Filed 6–15–18; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 18, 2018.

FOR FURTHER INFORMATION CONTACT: Elizabeth Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 12, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 444 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–170, CP2018–242.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–12957 Filed 6–15–18; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 18, 2018.

FOR FURTHER INFORMATION CONTACT: Elizabeth Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 12, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add First-Class Package Service Contract 94 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–173, CP2018–245.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–12960 Filed 6–15–18; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 18, 2018.

FOR FURTHER INFORMATION CONTACT: Elizabeth Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 12, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 443 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–168, CP2018–240.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–12956 Filed 6–15–18; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83411; File No. SR–ISE–2018–50]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Section IV.D of the Exchange's Schedule of Fees

June 12, 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 30, 2018, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to Section IV.D. of the Exchange's Schedule of Fees, as described further below. The text of the proposed rule change is available on the Exchange's website at *http://ise.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend certain Market Maker[3] fees for Regular Orders in Non-Select Symbols[4] and FX Options.

Presently, the Exchange charges a base execution fee of $0.25 per contract to Members who trade 250,000 contracts or less in a calendar month in Non-Select Symbols and FX Options, and a fee of $0.20 per contract if a Member trades more than 250,000 contracts in Non-Select Symbols and FX Options in a calendar month. In addition, once a Member reaches the highest tier, the fee applicable to that tier will apply retroactively to all Market Maker contracts for Regular Orders in Non-Select Symbols and FX Options. Presently, the Exchange waives this fee entirely for Market Makers that execute Flash Orders.[5]

The Exchange proposes to eliminate this fee waiver for Flash Orders, such that Market Makers that execute Flash Orders will be subject to one of the two foregoing fee tiers. However, the Exchange notes that Flash Orders will remain exempt from the $0.70 per contract Marketing Fee that it otherwise charges to Market Makers pursuant to Section IV.E of the Exchange's Schedule of Fees. The Exchange will also continue to provide credits to Market Makers that respond to Customer Flash Orders, pursuant to Section IV.G.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[7] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.''[8]

Likewise, in *NetCoalition* v. *Securities and Exchange Commission*[9] (''NetCoalition'') the D.C. Circuit upheld the Commission's use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-based approach.[10] As the court emphasized, the Commission ''intended in Regulation NMS that 'market forces, rather than regulatory requirements' play a role in determining the market data . . . . to be made available to investors and at what cost.''[11]

Further, ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers' . . . .''[12] Although the court and the SEC were discussing the cash equities markets, the Exchange believes that these views apply with equal force to the options markets.

The Exchange believes it is reasonable and equitable to eliminate the fee waiver for Flash orders because the fee that the Exchange proposes to charge for

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Market Makers'' refers to ''Competitive Market Makers'' and ''Primary Market Makers'' collectively. *See* ISE Rule 100(a)(28).

[4] ''Non-Select Symbols'' are options overlying all symbols excluding Select Symbols. ''Select Symbols'' are options overlying all symbols listed on ISE that are in the Penny Pilot Program.

[5] A ''Flash Order'' is an order that is exposed at the National Best Bid and Offer by the Exchange to all Members for execution prior to routing the order to another exchange or cancelling it, as provided under Supplementary Material .02 to ISE Rule 1901.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4) and (5).

[8] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[9] *NetCoalition* v. *SEC,* 615 F.3d 525 (DC Cir. 2010).

[10] *See NetCoalition,* at 534–535.

[11] *Id.* at 537.

[12] *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

such orders are within the range of fees assessed by other exchanges employing similar pricing schemes. As noted above, pursuant to Section IV.E of the Exchange's Schedule of Fees, the Exchange does not charge a $.70 per contract marketing fee for Flash Orders, whereas MIAX and CBOE do so.[13] The Exchange also provides a credit to Market Makers that respond to Flash Orders, pursuant to Section IV.G. As such, even with the proposed rule change, the Exchange's fee structure for Flash Orders will remain materially less expensive than the fee structures of other exchanges. Moreover, the Exchange operates in a highly competitive market in which market participants can readily direct order flow to another exchange if they deem fee levels at a particular exchange to be excessive.

The Exchange also believes its proposal is not unfairly discriminatory because the proposed fees for Flash Orders would apply uniformly to all similarly situated Market Makers.

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. In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

In this instance, the Exchange's proposal does not impose a burden on competition because the Exchange's execution services are completely voluntary and subject to extensive competition both from other exchanges and from off-exchange venues. Moreover, even with the proposed rule change, the range of fees that Exchange proposes to charge its Market Makers for Flash orders will remain competitive with the fees that other exchange charge. As noted above, pursuant to Section IV.E of the Exchange's Schedule of Fees, the Exchange does not charge a $.70 per contract marketing fee for Flash Orders, whereas MIAX and CBOE do so.[14] The Exchange also provides a credit to Market Makers that respond to Flash Orders, pursuant to Section IV.G. Thus, even with the proposed rule change, the Exchange's fee structure for Flash Orders will remain materially less expensive than the fee structures of other exchanges.

In sum, if the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[15] and Rule 19b–4(f)(2)[16] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–ISE–2018–50 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2018–50. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2018–50 and should be submitted on or before July 9, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–12927 Filed 6–15–18; 8:45 am]

BILLING CODE 8011–01–P

[13] *See* Miax Options Options Fee Schedule, Section 1(b) (Mar. 1, 2018); CBOE Exchange Inc. Fees Schedule (May 1, 2018).

[14] *See* Miax Options Options Fee Schedule, Section 1(b) (Mar. 1, 2018); CBOE Exchange Inc. Fees Schedule (May 1, 2018).

[15] 15 U.S.C. 78s(b)(3)(A)(ii).

[16] 17 CFR 240.19b–4(f)(2).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension: Rule 17g–5, SEC File. No 270–581, OMB Control No. 3235–0649

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 17g–5 (17 CFR 240.17g–5) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act''). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 17g–5 requires the disclosure of and establishment of procedures to manage certain NRSRO conflicts of interest, prohibits certain other NRSRO conflicts of interest, and contains requirements regarding the disclosure of information in the case of the conflict of interest of an NRSRO issuing or maintaining a credit rating on an asset-backed security that was paid for by the issuer, sponsor, or underwriter of the security. The Commission previously estimated that the total annual burden for respondents to comply with Rule 17g–5 is 261,295 hours.

Written comments are invited on: (a) 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; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

Please direct your written comments to: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F St NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: June 13, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–12981 Filed 6–15–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83415; File No. SR–CBOE–2018–042]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Position Limit for SPY Options

June 12, 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 June 4, 2018, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 4.11 to amend the position limit for options on SPDR S&P 500 ETF Trust (''SPY'').

(additions are *italicized;* deletions are [bracketed])

* * * * *

Cboe Exchange, Inc.

Rules

* * * * *

Rule 4.11. Position Limits

(No change).

. . . Interpretations and Policies:

.01–.06 (No change).

.07 The position limits under Rule 4.11 applicable to options on shares or other securities that represent interests in registered investment companies (or series thereof) organized as open-end management investment companies, unit investment trusts or similar entities that satisfy the criteria set forth in Interpretation and Policy .06 under Rule 5.3 shall be the same as the position limits applicable to equity options under Rule 4.11 and Interpretations and Policies thereunder; except that the position limits under Rule 4.11 applicable to option contracts on the securities listed in the below chart are as follows:

Security underlying option	Position limit
The DIAMONDS Trust (DIA)	300,000 contracts.
The Standard and Poor's Depositary Receipts Trust (SPY)	[None] *1,800,000 contracts.*
The iShares Russell 2000 ETF (IWM)	1,000,000 contracts.
The PowerShares QQQ Trust (QQQQ)	1,800,000 contracts.
The iShares MSCI Emerging Markets ETF (EEM)	1,000,000 contracts.
iShares China Large-Cap ETF (''FXI'')	500,000 contracts.
iShares MSCI EAFE ETF (''EFA'')	500,000 contracts.
iShares MSCI Brazil Capped ETF (''EWZ'')	500,000 contracts.
iShares 20+ Year Treasury Bond Fund ETF (''TLT'')	500,000 contracts.
iShares MSCI Japan ETF (''EWJ'')	500,000 contracts.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[Position limits for SPY options are subject to a pilot program through July 12, 2018.]

.08 No change.

* * * * *

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Rule 4.11 establishes position limits for aggregate positions in option contracts traded on the Exchange. Interpretation and Policy .07 to Rule 4.11 lists specific position limits for certain select underlying securities.[5] SPY is among the certain select underlying securities listed in that Rule. Currently, the Rule provides that there is no position limit (or exercise limit) on options overlying SPY pursuant to a pilot program, which is scheduled to expire on July 12, 2018 (''SPY Pilot Program'').[6]

The Exchange proposes to amend Rule 4.11, Interpretation and Policy .07 to allow the SPY Pilot Program to terminate on July 12, 2018, the current expiration date of the SPY Pilot Program. In lieu of extending the SPY Pilot Program another year, the Exchange proposes to allow the SPY Pilot Program to terminate and to establish position (and exercise) limits of 1,800,000 contracts for options on SPY, with such change becoming operative on July 12, 2018, so that there is no lapse in time between termination of the SPY Pilot Program and the establishment of the new limits. Furthermore, as a result of the termination of the SPY Pilot Program, the Exchange does not believe it is necessary to submit a SPY Pilot Program Report at the end of the SPY Pilot Program. Based on the prior SPY Pilot Program Reports provided to the Commission,[7] the Exchange believes it is appropriate to terminate the SPY Pilot Program and that permanent position (and exercise) limits should be established for SPY.

Position limits are designed to address potential manipulative schemes and adverse market impact surrounding the use of options, such as disrupting the market in the security underlying the options. The potential manipulative schemes and adverse market impact are balanced against the potential of setting the limits so low as to discourage participation in the options market. The level of those position limits must be balanced between curtailing potential manipulation and the cost of preventing potential hedging activity that could be used for legitimate economic purposes.

The SPY Pilot Program was established in 2012 in order to eliminate the position (and exercise) limit for physically-settled SPY options.[8] In 2005, the position (and exercise) limit for SPY options was increased from 75,000 contracts to 300,000 contracts on the same side of the market.[9] In July 2011, the position limit (and exercise) for these options was again increased from 300,000 contracts to 900,000 contracts on the same side of the market.[10] Then, in 2012, the position (and exercise) limit for SPY options were eliminated as part of the SPY Pilot Program.[11]

The underlying SPY tracks the performance of the S&P 500 Index and the Exchange notes that the SPY and SPY options have deep, liquid markets that reduce concern regarding manipulation and disruption in the underlying markets. In support of this proposed rule change, the Exchange has collected the following trading statistics for SPY and SPY options: (1) The average daily volume (''ADV'') to date (as of May 15, 2018) for SPY is 108.32 million shares; (2) the ADV to date in 2018 for SPY options is 3.9 million contracts per day; (3) the total shares outstanding for SPY are 965.43 million; and (4) the fund market cap for SPY is 261.65 billion. The Exchange represents further that there is tremendous liquidity in the securities that make up the S&P 500 Index.

Accordingly, the Exchange proposes to amend Rule 4.11, Interpretation and Policy .07 to set forth that the position limit for options on SPY would be 1,800,000 contracts on the same side of the market.[12] This position (and exercise) limit equal the current position (and exercise) limit for options on QQQ, which the Commission previously approved to be increased from 900,000 contracts on the same side of the market to 1,800,000 contracts on the same side of the market.[13] The Exchange notes that SPY is more liquid than QQQ.[14] The Exchange believes that establishing a position (and exercise) limit for the SPY options in the amount of 1,800,000 contracts on the same side of the market subject to this proposal would allow for the maintenance of the liquid and competitive market environment for these options, which will benefit customers interested in these products. Under the proposal, the reporting requirement for the options would be unchanged.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[15] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[16] requirements that the rules of

[5] Pursuant to Rule 4.12, Interpretation and Policy .02, the exercise limits for options on those securities are the same as the position limits set forth in Rule 4.11, Interpretation and Policy .07.

[6] *See* Securities Exchange Act Release Nos. 67937 (September 27, 2012), 77 FR 60489 (October 3, 2012) (SR–CBOE–2012–091); 70878 (November 14, 2013), 78 FR 69737 (November 20, 2013) (SR–CBOE–2013–106); 74149 (January 27, 2015), 80 FR 5606 (February 2, 2015) (SR–CBOE–2015–008); 75381 (July 7, 2015), 80 FR 40111 (July 13, 2015) (SR–CBOE–2015–065); 78131 (June 22, 2016), 81 FR 42011 (June 28, 2016) (SR–CBOE–2016–052); and 81017 (June 26, 2017), 82 FR 29960 (June 30, 2017) (SR–CBOE–2017–050).

[7] *Id.*

[8] *See* Securities Exchange Act Release Nos. 67672 (August 15, 2012), 77 FR 50750 (August 22, 2012) (SR–NYSEAmex–2012–29); and 67937 (September 27, 2012), 77 FR 60489 (October 3, 2012) (SR–CBOE–2012–091).

[9] *See* Securities Exchange Act Release No. 51041 (January 14, 2005), 70 FR 3408 (January 24, 2005) (SR–CBOE–2005–06).

[10] *See* Securities Exchange Act Release No. 64928 (July 20, 2011), 76 FR 44633 (July 26, 2011) (SR–CBOE–2011–065).

[11] *See supra* note 8.

[12] Pursuant to Rule 4.12, Interpretation and Policy .02, the exercise limit for options on SPY would be 1,800,000 contracts on the same side of the market.

[13] *See* Securities Exchange Act Release No. 82770 (February 23, 2018), 83 FR 8907 (March 1, 2018) (SR–CBOE–2017–057).

[14] From the beginning of the year, through May 15, 2018, the ADV for SPY was 108.32 million shares while the ADV for QQQ was 46.64 million shares (calculated using data from Yahoo Finance as of May 15, 2018).

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [17] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that establishing a permanent position (and exercise) limit for SPY options subject to this proposal will encourage Market Makers to continue to provide sufficient liquidity in SPY options on the Exchange, which will enhance the process of price discovery conducted on the Exchange. The proposal will also benefit institutional investors as well as retail traders, and public customers, by continuing to provide them with an effective trading and hedging vehicle. In addition, the Exchange believes that the structure of the SPY options subject to this proposal and the considerable liquidity of the market for those options diminishes the opportunity to manipulate this product and disrupt the underlying market that a lower position limit may protect against.

Increased position limits for select actively traded options, such as that proposed herein (increased as compared to the 900,000 limit in place prior to the SPY Pilot Program),[18] is not novel and has been previously approved by the Commission. For example, the Commission has previously approved a rule change permitting the Exchange to double the position (and exercise) limits for FXI, EEM, IWM, EFA, EWZ, TLT, QQQ, and EWJ.[19] Furthermore, as previously mentioned, the Commission specifically approved a proposal by the Exchange to increase the position (and exercise) limit for options on QQQ from 900,000 contracts on the same side of the market to 1,800,000 contracts on the same side of the market; similar to the current proposal for options on SPY.[20] The Exchange also notes that SPY is more liquid than QQQ.[21]

Lastly, the Commission expressed the belief that implementing a higher position (and exercise) limit may bring additional depth and liquidity without increasing concerns regarding intermarket manipulation or disruption of the options or the underlying securities.[22] The Exchange's existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior which might arise from increasing the position (and exercise) limit (increased as compared to the 900,000 limit in place prior to the SPY Pilot Program).[23]

B. Self-Regulatory Organization's Statement on Burden on Competition

Cboe Options does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the entire proposal is consistent with Section 6(b)(8) of the Act [24] in that it does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. On the contrary, the Exchange believes the proposal promotes competition because it will enable the option exchanges to attract additional order flow from the over-the-counter market, which in turn compete for those orders. The Exchange believes that the proposed rule change will result in continued opportunities to achieve the investment and trading objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general. The Exchange believes this proposed rule change is necessary to permit fair competition among the options exchanges and to establish uniform position limits for additional multiply listed option classes. Another options exchange recently filed a similar proposal,[25] and the Exchange believes that the other options exchanges will file similar proposals with the Commission.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [26] and Rule 19b–4(f)(6) [27] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule 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–CBOE–2018–042 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2018–042. 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

[17] *Id.*

[18] *See supra* note 10.

[19] *See supra* note 13.

[20] *Id.*

[21] *See supra* note 14.

[22] *See supra* note 13.

[23] *See supra* note 10.

[24] 15 U.S.C. 78f(b)(8).

[25] *See* SR–MIAX–2018–11 (May 24, 2018).

[26] 15 U.S.C. 78s(b)(3)(A).

[27] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2018–042 and should be submitted on or before July 9, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–12931 Filed 6–15–18; 8:45 am]

BILLING CODE 8011–01–P

[28] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83413; File No. SR–NYSEArca–2018–44]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Commentary .06 to Rule 6.8–O

June 12, 2018.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on June 8, 2018, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Commentary .06 to Rule 6.8–O to amend the position limits for options on SPDR S&P 500 ETF (''SPY''). The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Rule 6.8–O (Position Limits) establishes position limits for aggregate positions in option contracts traded on the Exchange. Commentary .06 to Rule 6.8–O lists specific position limits for certain select underlying securities. SPY is among the certain select underlying securities listed in the Rule. Currently, Rule 6.8–O provides that there are no position limits on options overlying SPY pursuant to a pilot program, which is scheduled to expire on July 12, 2018 (''SPY Pilot Program'').[4]

The Exchange proposes to amend Rule 6.8–O, Commentary .06, to allow the SPY Pilot Program to terminate on July 12, 2018, the current expiration date of the SPY Pilot Program. In lieu of extending the SPY Pilot Program, the Exchange proposes to allow the SPY Pilot Program to terminate and to establish position limits of 1,800,000 contracts, for options on SPY, with such change becoming operative on July 12, 2018, so that there is no lapse in time between termination of the SPY Pilot Program and the establishment of the new limits.[5] Furthermore, as a result of the termination of the SPY Pilot Program, the Exchange does not believe it is necessary to submit a SPY Pilot Program Report at the end of the SPY Pilot Program. Based on the prior SPY Pilot Program Reports provided to the Commission,[6] the Exchange believes it is appropriate to terminate the SPY Pilot Program and establish permanent position limits for SPY.

Position limits are designed to address potential manipulative schemes and adverse market impact surrounding the use of options, such as disrupting the market in the security underlying the options. The potential manipulative schemes and adverse market impact are balanced against the potential of setting the limits so low as to discourage participation in the options market. The level of those position limits must be balanced between curtailing potential manipulation and the cost of preventing potential hedging activity that could be used for legitimate economic purposes.

The SPY Pilot Program was established in 2012 in order to eliminate position and exercise limits for physically-settled SPY options.[7] In 2005, the position limits for SPY options were increased from 75,000 contracts to 300,000 contracts on the same side of the market.[8] In July 2011, the position limit for these options was again increased from 300,000 contracts to 900,000 contracts on the same side of the market.[9] Then, in 2012, the position limits for SPY options were eliminated as part of the SPY Pilot Program.[10]

The underlying SPY tracks the performance of the S&P 500 Index and the Exchange notes that the SPY and SPY options have deep, liquid markets that reduce concerns regarding manipulation and disruption in the underlying markets. In support of this

[4] *See* Securities Exchange Act Release No. 68001 (October 5, 2012), 77 FR 62303 (October 12, 2012). The SPY Pilot Program was subsequently extended. *See* Securities Exchange Act Release Nos. 70968 (December 3, 2013), 78 FR 73899 (December 9, 2013); 74029 (January 9, 2015), 80 FR 2161 (January 15, 2015); 75415 (July 9, 2015), 80 FR 41541 (July 15, 2015); 78242 (July 7, 2016), 81 FR 45330 (July 13, 2016); and 81129 (July 12, 2017), 82 FR 32908 (July 18, 2017).

[5] Pursuant to Rule 6.9–O, the exercise limit for options on SPY is equivalent to the position limit for SPY options and would also be amended pursuant to this proposal.

[6] *See supra,* note 4.

[7] *See* Securities Exchange Act Release Nos. 67672 (August 15, 2012), 77 FR 50750 (August 22, 2012) (SR–NYSEAmex–2012–29); and 67937 (September 27, 2012), 77 FR 60489 (October 3, 2012) (SR–CBOE–2012–091).

[8] *See* Securities Exchange Act Release No. 51041 (January 14, 2005), 70 FR 3408 (January 24, 2005) (SR–CBOE–2005–06).

[9] *See* Securities Exchange Act Release No. 64928 (July 20, 2011), 76 FR 44633 (July 26, 2011) (SR–CBOE–2011–065).

[10] *See supra,* note 7.

proposed rule change, the Exchange has collected the following trading statistics for SPY and SPY Options: (1) The average daily volume (''ADV'') (as of May 15, 2018) for SPY is 108.32 million shares; (2) the ADV in 2018 for SPY options is 3.9 million contracts per day; (3) the total shares outstanding for SPY are 965.43 million; and (4) the fund market cap for SPY is 261.65 billion. The Exchange represents further that there is tremendous liquidity in the securities that make up the S&P 500 Index.

Accordingly, the Exchange proposes to amend Commentary .06 to Rule 6.8–O to set forth that the position limit for options on SPY would be 1,800,000 contracts on the same side of the market. This position limit equals the current position limit for options on the PowerShares QQQ Trust (''QQQ''), which the Commission previously approved to be increased from 900,000 contracts on the same side of the market, to 1,800,000 contracts on the same side of the market.[11] The Exchange also notes that SPY is more liquid than QQQ.[12] The Exchange believes that establishing position limits for SPY options in the amount of 1,800,000 contracts on the same side of the market would allow for the maintenance of the liquid and competitive market environment for these options, which will benefit customers interested in these products. Under the proposal, the reporting requirement for SPY options would be unchanged.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[13] in general, and furthers the objectives of Section 6(b)(5) of the Act[14] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes that establishing permanent position limits for SPY options will encourage Market Makers to continue to provide sufficient liquidity in SPY options on the Exchange, which will enhance the process of price discovery conducted on the Exchange. The proposal will also benefit institutional investors as well as retail traders, and public customers, by continuing to provide them with an effective trading and hedging vehicle. In addition, the Exchange believes that the structure of SPY options and the considerable liquidity of the market for those options diminishes the opportunity to manipulate this product and disrupt the underlying market that a lower position limit may protect against.

Increased position limits for select actively traded options, such as that proposed herein (increased as compared to the 900,000 limit in place prior to the SPY Pilot Program),[15] is not novel and has been previously approved by the Commission. For example, the Commission has previously approved a rule change permitting the Exchange to double the position and exercise limits for iShares China Large-Cap ETF (''FXI''), iShares MSCI EAFE ETF (''EFA''), iShares MSCI Emerging Markets ETF (''EEM''), iShares Russell 2000 ETF (''IWM''), iShares MSCI Brazil Capped ETF (''EWZ''), iShares 20+ Year Treasury Bond Fund ETF (''TLT''), iShares MSCI Japan ETF (''EWJ'') and QQQ.[16] Furthermore, as previously mentioned, the Commission specifically approved a proposal by the Exchange to increase the position and exercise limits for options on QQQ from 900,000 contracts on the same side of the market to 1,800,000 contracts on the same side of the market; similar to the current proposal for options on SPY.[17] The Exchange also notes that SPY is more liquid than QQQ.[18]

Lastly, the Commission expressed the belief that implementing higher position and exercise limits may bring additional depth and liquidity without increasing concerns regarding intermarket manipulation or disruption of the options or the underlying securities.[19] The Exchange's existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior which might arise from increasing position limits (increased as compared to the 900,000 limit in place prior to the SPY Pilot Program).[20]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to address any aspect of competition, whether between the Exchange and its competitors, or among market participants. Instead, the proposed rule change promotes competition because it will enable the options exchanges to attract additional order flow from the over-the-counter market, who in turn compete for those orders. The Exchange believes that the proposed rule change will result in continued opportunities to achieve the investment and trading objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general. The Exchange believes this proposed rule change is necessary to permit fair competition among the options exchanges and to establish uniform position limits for additional multiply listed option classes.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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 after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[21] and Rule 19b–4(f)(6)[22] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings

[11] *See* Securities Exchange Act Release No. 83066 (April 19, 2018), 83 FR 18099 (April 25, 2018) (SR–NYSEArca–2018–23); *See also* Securities Exchange Act Release No. 82770 (February 23, 2018), 83 FR 8907 (March 1, 2018) (SR–CBOE–2017–057).

[12] From the beginning of the year, through May 15, 2018, the ADV for SPY was 108.32 million shares while the ADV for QQQ was 46.64 million shares (calculated using data from Yahoo Finance).

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] *See supra,* note 9.

[16] *See supra,* note 11.

[17] *Id.*

[18] *See supra,* note 12.

[19] *See supra,* note 11.

[20] *See supra,* note 9.

[21] 15 U.S.C. 78s(b)(3)(A).

[22] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

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–NYSEArca–2018–44 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2018–44. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2018–44 and should be submitted on or before July 9, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–12929 Filed 6–15–18; 8:45 am]

BILLING CODE 8011–01–P

[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83417; File No. SR–NYSEAMER–2018–26]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Commentary .07 to Rule 904

June 12, 2018.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on June 8, 2018, NYSE American LLC (the ''Exchange'' or ''NYSE American'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Commentary .07 to Rule 904 to amend the position limits for options on SPDR S&P 500 ETF (''SPY''). The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Rule 904 (Position Limits) establishes position limits for aggregate positions in option contracts traded on the Exchange. Commentary .07 to Rule 904 lists specific position limits for certain select underlying securities. SPY is among the certain select underlying securities listed in the Rule. Currently, Rule 904 provides that there are no position limits on options overlying SPY pursuant to a pilot program, which is scheduled to expire on July 12, 2018 (''SPY Pilot Program'').[4]

The Exchange proposes to amend Rule 904, Commentary .07, to allow the SPY Pilot Program to terminate on July 12, 2018, the current expiration date of the SPY Pilot Program. In lieu of extending the SPY Pilot Program, the Exchange proposes to allow the SPY Pilot Program to terminate and to establish position limits of 1,800,000 contracts, for options on SPY, with such change becoming operative on July 12, 2018, so that there is no lapse in time between termination of the SPY Pilot Program and the establishment of the new limits.[5] Furthermore, as a result of the termination of the SPY Pilot Program, the Exchange does not believe it is necessary to submit a SPY Pilot Program Report at the end of the SPY Pilot Program. Based on the prior SPY Pilot Program Reports provided to the Commission,[6] the Exchange believes it is appropriate to terminate the SPY Pilot Program and establish permanent position limits for SPY.

Position limits are designed to address potential manipulative schemes and adverse market impact surrounding the use of options, such as disrupting the market in the security underlying the options. The potential manipulative schemes and adverse market impact are balanced against the potential of setting the limits so low as to discourage

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 67672 (August 15, 2012), 77 FR 50750 (August 22, 2012). The SPY Pilot Program was subsequently extended. *See* Securities Exchange Release Nos. 70734 (October 22, 2013), 78 FR 64255 (October 28, 2013); 73847 (December 16, 2014), 79 FR 76426 (December 22, 2014); 75416 (July 9, 2015), 80 FR 41521 (July 15, 2015); 78241 (July 7, 2016), 81 FR 45325 (July 13, 2016); and 81130 (July 12, 2017), 82 FR 32906 (July 18, 2017).

[5] Pursuant to Rule 905, the exercise limit for options on SPY is equivalent to the position limit for SPY options and would also be amended pursuant to this proposal.

[6] *See supra,* note 4.

participation in the options market. The level of those position limits must be balanced between curtailing potential manipulation and the cost of preventing potential hedging activity that could be used for legitimate economic purposes.

The SPY Pilot Program was established in 2012 in order to eliminate position and exercise limits for physically-settled SPY options.[7] In 2005, the position limits for SPY options were increased from 75,000 contracts to 300,000 contracts on the same side of the market.[8] In July 2011, the position limit for these options was again increased from 300,000 contracts to 900,000 contracts on the same side of the market.[9] Then, in 2012, the position limits for SPY options were eliminated as part of the SPY Pilot Program.[10]

The underlying SPY tracks the performance of the S&P 500 Index and the Exchange notes that the SPY and SPY options have deep, liquid markets that reduce concerns regarding manipulation and disruption in the underlying markets. In support of this proposed rule change, the Exchange has collected the following trading statistics for SPY and SPY Options: (1) The average daily volume (''ADV'') (as of May 15, 2018) for SPY is 108.32 million shares; (2) the ADV in 2018 for SPY options is 3.9 million contracts per day; (3) the total shares outstanding for SPY are 965.43 million; and (4) the fund market cap for SPY is 261.65 billion. The Exchange represents further that there is tremendous liquidity in the securities that make up the S&P 500 Index.

Accordingly, the Exchange proposes to amend Commentary .07 to Rule 904 to set forth that the position limit for options on SPY would be 1,800,000 contracts on the same side of the market. This position limit equals the current position limit for options on the PowerShares QQQ Trust (''QQQ''), which the Commission previously approved to be increased from 900,000 contracts on the same side of the market, to 1,800,000 contracts on the same side of the market.[11] The Exchange also notes that SPY is more liquid than QQQ.[12] The Exchange believes that establishing position limits for SPY options in the amount of 1,800,000 contracts on the same side of the market would allow for the maintenance of the liquid and competitive market environment for these options, which will benefit customers interested in these products. Under the proposal, the reporting requirement for SPY options would be unchanged.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [13] in general, and furthers the objectives of Section 6(b)(5) of the Act [14] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes that establishing permanent position limits for SPY options will encourage Market Makers to continue to provide sufficient liquidity in SPY options on the Exchange, which will enhance the process of price discovery conducted on the Exchange. The proposal will also benefit institutional investors as well as retail traders, and public customers, by continuing to provide them with an effective trading and hedging vehicle. In addition, the Exchange believes that the structure of SPY options and the considerable liquidity of the market for those options diminishes the opportunity to manipulate this product and disrupt the underlying market that a lower position limit may protect against.

Increased position limits for select actively traded options, such as that proposed herein (increased as compared to the 900,000 limit in place prior to the SPY Pilot Program),[15] is not novel and has been previously approved by the Commission. For example, the Commission has previously approved a rule change permitting the Exchange to double the position and exercise limits for iShares China Large-Cap ETF (''FXI''), iShares MSCI EAFE ETF (''EFA''), iShares MSCI Emerging Markets ETF (''EEM''), iShares Russell 2000 ETF (''IWM''), iShares MSCI Brazil Capped ETF (''EWZ''), iShares 20+ Year Treasury Bond Fund ETF (''TLT''), iShares MSCI Japan ETF (''EWJ'') and QQQ.[16] Furthermore, as previously mentioned, the Commission specifically approved a proposal by the Exchange to increase the position and exercise limits for options on QQQ from 900,000 contracts on the same side of the market to 1,800,000 contracts on the same side of the market; similar to the current proposal for options on SPY.[17] The Exchange also notes that SPY is more liquid than QQQ.[18]

Lastly, the Commission expressed the belief that implementing higher position and exercise limits may bring additional depth and liquidity without increasing concerns regarding intermarket manipulation or disruption of the options or the underlying securities.[19] The Exchange's existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior which might arise from increasing position limits (increased as compared to the 900,000 limit in place prior to the SPY Pilot Program).[20]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to address any aspect of competition, whether between the Exchange and its competitors, or among market participants. Instead, the proposed rule change promotes competition because it will enable the options exchanges to attract additional order flow from the over-the-counter market, who in turn compete for those orders. The Exchange believes that the proposed rule change will result in continued opportunities to achieve the investment and trading objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general. The Exchange believes this proposed rule change is necessary to permit fair competition among the options exchanges and to establish uniform position limits for additional multiply listed option classes.

[7] *See* Securities Exchange Act Release Nos. 67672 (August 15, 2012), 77 FR 50750 (August 22, 2012) (SR–NYSEAmex–2012–29); and 67937 (September 27, 2012), 77 FR 60489 (October 3, 2012) (SR–CBOE–2012–091).

[8] *See* Securities Exchange Act Release No. 51041 (January 14, 2005), 70 FR 3408 (January 24, 2005) (SR–CBOE–2005–06).

[9] *See* Securities Exchange Act Release No. 64928 (July 20, 2011), 76 FR 44633 (July 26, 2011) (SR–CBOE–2011–065).

[10] *See supra,* note 7.

[11] *See* Securities Exchange Act Release No. 83065 (April 19, 2018), 83 FR 18093 (April 25, 2018) (SR–NYSEAMER–2018–14); *See also* Securities Exchange Act Release No. 82770 (February 23, 2018), 83 FR 8907 (March 1, 2018) (SR–CBOE–2017–057).

[12] From the beginning of the year, through May 15, 2018, the ADV for SPY was 108.32 million shares while the ADV for QQQ was 46.64 million shares (calculated using data from Yahoo Finance).

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] *See supra,* note 9.

[16] *See supra,* note 11.

[17] *Id.*

[18] *See supra,* note 12.

[19] *See supra,* note 11.

[20] *See supra,* note 9.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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 after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [21] and Rule 19b–4(f)(6) [22] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule 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–NYSEAMER–2018–26 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEAMER–2018–26. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEAMER–2018–26 and should be submitted on or before July 9, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–12933 Filed 6–15–18; 8:45 am]

BILLING CODE 8011–01–P

[21] 15 U.S.C. 78s(b)(3)(A).

[22] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Reports of Evidence of Material Violations: SEC File No. 270–514, OMB Control No. 3235–0572

Notice is hereby given that pursuant to the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501–3520, the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit the existing collection of information to the Office of Management and Budget for extension.

On February 6, 2003, the Commission published final rules, effective August 5, 2003, entitled ''Standards of Professional Conduct for Attorneys Appearing and Practicing Before the Commission in the Representation of an Issuer'' (17 CFR 205.1–205.7). The information collection embedded in the rules is necessary to implement the Standards of Professional Conduct for Attorneys prescribed by the rule and required by Section 307 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7245). The rules impose an ''up-the-ladder'' reporting requirement when attorneys appearing and practicing before the Commission become aware of evidence of a material violation by the issuer or any officer, director, employee, or agent of the issuer. An issuer may choose to establish a qualified legal compliance committee (''QLCC'') as an alternative procedure for reporting evidence of a material violation. In the rare cases in which a majority of a QLCC has concluded that an issuer did not act appropriately, the information may be communicated to the Commission. The collection of information is, therefore, an important component of the Commission's program to discourage violations of the federal securities laws and promote ethical behavior of attorneys appearing and practicing before the Commission.

The respondents to this collection of information are attorneys who appear and practice before the Commission and, in certain cases, the issuer, and/or officers, directors and committees of the issuer. We believe that, in providing quality representation to issuers, attorneys report evidence of violations to others within the issuer, including the Chief Legal Officer, the Chief Executive Officer, and, where necessary, the directors. In addition, officers and directors investigate evidence of violations and report within the issuer the results of the investigation and the remedial steps they have taken or sanctions they have imposed. Except as discussed below, we therefore believe that the reporting requirements imposed by the rule are ''usual and customary'' activities that do not add to the burden that would be imposed by the collection of information.

Certain aspects of the collection of information, however, may impose a burden. For an issuer to establish a

QLCC, the QLCC must adopt written procedures for the confidential receipt, retention, and consideration of any report of evidence of a material violation. We estimate for purposes of the PRA that there are approximately 10,712 issuers that are subject to the rules.[1] Of these, we estimate that approximately 319, which is approximately 3 percent, have established or will establish a QLCC.[2] Establishing the written procedures required by the rule should not impose a significant burden. We assume that an issuer would incur a greater burden in the year that it first establishes the procedures than in subsequent years, in which the burden would be incurred in updating, reviewing, or modifying the procedures. For purposes of the PRA, we assume that an issuer would spend 6 hours every three-year period on the procedures. This would result in an average burden of 2 hours per year. Thus, we estimate for purposes of the PRA that the total annual burden imposed by the collection of information would be 638 hours. Assuming half of the burden hours will be incurred by outside counsel at a rate of $500 per hour would result in a cost of $159,500.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study. 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.

Written comments are requested on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burden[s] of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

The public may view the background documentation for this information collection at the following website, *www.reginfo.gov*. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or send an email to *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: June 13, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–12983 Filed 6–15–18; 8:45 am]

BILLING CODE 8011–01–P

[1] This figure is based on the estimated 7,625 operating companies that filed annual reports on Form 10–K, Form 20–F, or Form 40–F during the 2017 calendar year, and the estimated 3,087 investment companies that filed periodic reports on Form N–SAR during that same time period.

[2] This estimate is based on issuer-filings made with the Commission between January 1, 2015 and March 18, 2018 that include a reference to the issuer's QLCC.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83418; File No. SR–NYSEArca–2018–41]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE Arca Equities Fees and Charges

June 12, 2018.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on June 1, 2018, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Equities Fees and Charges (''Fee Schedule'') to (i) introduce a new pricing tier, Step Up Tier 2, and (ii) adopt an incremental credit for the Tape B Tier 2 pricing tier. The Exchange proposes to implement the fee changes effective June 1, 2018. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to: (i) Introduce a new pricing tier, Step Up Tier 2, and (ii) adopt an incremental credit for Tape B Tier 2. The Exchange proposes to implement the fee changes effective June 1, 2018.

Step Up Tier 2

The Exchange proposes a new pricing tier—Step Up Tier 2—for securities with a per share price of $1.00 or above.

The Exchange currently has a Step Up Tier pursuant to which qualifying ETP Holders and Market Makers receive a credit of $0.0030 per share for orders that provide displayed liquidity to the Book in Tape A Securities, $0.0023 per share for orders that provide displayed liquidity to the Book in Tape B Securities, and $0.0031 per share for orders that provide displayed liquidity to the Book in Tape C Securities if such ETP Holders and Market Makers directly execute providing average daily volume (''ADV'') per month of 0.50% or more but less than 0.70% of the US CADV, and directly execute providing ADV that is an increase of no less than 0.10% of US CADV for that month over the ETP Holder's or Market Maker's providing ADV in Q1 2018.[4]

As proposed, ETP Holders and Market Makers would qualify for the new Step Up Tier 2 if they directly execute providing ADV per month of 0.22% or more but less than 0.30% of the US CADV, and directly execute providing ADV that is an increase of no less than

[4] *See* Securities Exchange Act Release No. 83032 (April 11, 2018), 83 FR 16909 (April 17, 2018) (SR–NYSEArca–2018–20).

0.06% of US CADV for that month over the ETP Holder's or Market Maker's providing ADV in May 2018. ETP Holders and Market Makers that qualify for Step Up Tier 2 would receive a credit of $0.0028 per share for orders that provide displayed liquidity to the Book in Tape A and Tape C Securities and $0.0022 per share for orders that provide displayed liquidity to the Book in Tape B Securities.

The goal of the proposed Step Up Tier 2 pricing tier remains the same as that of the Step Up Tier, *i.e.,* to incentivize ETP Holders and Market Makers to increase the orders sent directly to the Exchange and therefore provide liquidity that supports the quality of price discovery and promotes market transparency. The Exchange believes that the proposed new pricing tier will provide a further incentive for ETP Holders and Market Makers to direct order flow to the Exchange.

Tape B Tier 2

The Exchange proposes to adopt an incremental credit for a current pricing tier—Tape B Tier 2—for securities with a per share price $1.00 or above.

Currently, a Tape B Tier 2 credit of $0.0028 per share applies to ETP Holders and Market Makers, that, on daily basis, measured monthly, directly execute providing volume in Tape B Securities during the billing month (''Tape B Adding ADV'') that is either (1) equal to at least 1.0% of the US Tape B CADV or (2) equal to at least 0.20% of the US Tape B CADV for the billing month over the ETP Holder's or Market Maker's Q2 2015 Tape B Adding ADV taken as a percentage of Tape B CADV (''Tape B Baseline % CADV'').

The Exchange proposes to adopt an incremental credit of $0.0001 per share for orders that provide liquidity to the order book in Tape B Securities that would be payable to ETP Holders and Market Makers who meet the requirements of Tape B Tier 2 and execute adding ADV in Tape B Securities during the billing month equal to at least 0.40% of Tape B CADV over the ETP Holder's or Market Maker's Q1 2018 Tape B adding ADV taken as a percentage of Tape B CADV. The proposed incremental credit would be in addition to the ETP Holder's or Market Maker's Tiered or Basic Rate credit(s) except that such combined credit(s) shall not exceed $0.0030 per share.

The proposed changes are not otherwise intended to address any other issues, and the Exchange is not aware of any significant problems that market participants would have in complying with the proposed changes.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[6] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the Step Up Tier 2 is intended to incentivize market participants to increase the orders sent directly to NYSE Arca and therefore provide liquidity that supports the quality of price discovery and promotes market transparency. Moreover, the addition of the Step Up Tier 2 would benefit market participants whose increased order flow provides meaningful added levels of liquidity thereby contributing to the depth and market quality on the Exchange. The Exchange believes that the proposed new Step Up Tier 2 is equitable because it is open to all ETP Holders and Market Makers on an equal basis and provides credits that are reasonably related to the value to an exchange's market quality associated with higher volumes.

The Exchange believes that the proposed modification to adopt an incremental Tape B Tier 2 credit is reasonable, fair, and equitable because the proposed credit is designed to encourage increased trading by ETP Holders and Market Makers in Tape B Securities. The Exchange notes that ETP Holders and Market Makers that do not meet the requirements to qualify for the incremental credit may still qualify for Tape B Tier 2 credits if they meet the Tape B Tier 2 requirements.

The Exchange further believes the proposed incremental credit is reasonable and appropriate in that it is based on the amount of business transacted on the Exchange. The Exchange believes the proposed incremental credit for adding liquidity is also reasonable because it will encourage liquidity and competition in Tape B securities quoted and traded on the Exchange.

The Exchange also believes the proposed incremental credit is equitable and not unfairly discriminatory because it is open to all ETP Holders and Market Makers on an equal basis and provides discounts that are reasonably related to the value to the Exchange's market quality associated with higher volumes. The Exchange further believes that the proposed incremental credit is not unfairly discriminatory because the magnitude of the additional credit is not unreasonably high in comparison to the credit paid with respect to other displayed liquidity-providing orders. The Exchange does not believe that it is unfairly discriminatory to offer increased credits to ETP Holders and Market Makers as these participants would be subject to additional volume requirements in Tape B Securities.

The Exchange believes that the proposed fee changes are equitable and not unfairly discriminatory because providing incentives for orders in exchange-listed securities that are executed on a registered national securities exchange (rather than relying on certain available off-exchange execution methods) would contribute to investors' confidence in the fairness of their transactions and would benefit all investors by deepening the Exchange's liquidity pool, supporting the quality of price discovery, promoting market transparency and improving investor protection.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[7] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, the Exchange believes that the proposal to add a new pricing tier and adopting incremental credits for an existing pricing tier would encourage the submission of additional liquidity to a public exchange, thereby promoting price discovery and transparency and enhancing order execution opportunities for ETP Holders and Market Makers. The Exchange believes that this could promote competition between the Exchange and other execution venues, including those that currently offer similar order types and comparable transaction pricing, by encouraging additional orders to be sent to the Exchange for execution.

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4) and (5).

[7] 15 U.S.C. 78f(b)(8).

deem fee levels at a particular venue to be excessive or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. As a result of all of these considerations, the Exchange does not believe that the proposed changes will impair the ability of ETP Holders or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [8] of the Act and subparagraph (f)(2) of Rule 19b–4 [9] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [10] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2018–41 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2018–41. 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–NYSEArca–2018–41, and should be submitted on or before July 9, 2018

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–12934 Filed 6–15–18; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(2).

[10] 15 U.S.C. 78s(b)(2)(B).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 15Ga–2 and Form ABS–15G, SEC File No. 270–620, OMB Control No. 3235–0675

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Rule 15Ga–2 and Form ABS–15G (17 CFR 249.1400) is used for reports of information required under Rule 15Ga–1 and Rule 15Ga–2 (17 CFR 240.15Ga–1) (17 CFR 240.15Ga–2) of the Exchange Act of 1934 (''Exchange Act''). Exchange Act Rule 15Ga–1 requires asset-backed securitizers to provide disclosure regarding fulfilled an unfulfilled repurchase requests with respect to asset-backed securities. The purpose of the information collected on Form ABS–15G is to implement the disclosure requirements of Section 943 of the Dodd-Frank Wall Street Reform and Consumer Protection Act to provide information regarding the use of representations and warranties in the asset-backed securities markets. Rule 15Ga–1 had a one-time reporting requirement that expired on February 14, 2012. We estimate that approximately 1,343 securitizers will file Form ABS–15G annually at estimated (19.307 hours) burden hours per response. In addition, we estimate that 75% of the 19.307 hours per response (14.48 hours) is carried internally by the securitizers for a total annual reporting burden of 19,447 hours (14.48 hours per response × 1,343 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following website, *www.reginfo.gov*. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and

Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: June 3, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–12984 Filed 6–15–18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83419; File No. SR–PEARL–2018–13]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX PEARL Fee Schedule

June 12, 2018.

Pursuant to the provisions of 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 31, 2018, MIAX PEARL, LLC (''MIAX PEARL'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX PEARL Fee Schedule (the ''Fee Schedule'').

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/pearl* at MIAX PEARL's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Add/Remove Tiered Rebates/Fees set forth in Section 1(a) of the Fee Schedule to (i) modify the volume thresholds applicable to transactions for (A) Priority Customers,[3] (B) MIAX PEARL Market Makers,[4] and (C) Non-Priority Customers, Firms, Broker-Dealers and Non-MIAX PEARL Market Makers (collectively herein ''Professional Members''); (ii) add a new Tier 6 and corresponding rebates and fees applicable to transactions for Priority Customers and Professional Members; (iii) decrease Maker (as defined below) rebates in certain Tiers (as defined below) for options transactions in Penny classes (as defined below) and Non-Penny classes (as defined below) for Priority Customers and Professional Members; (iv) increase Taker (as defined below) fees in all Tiers for options transactions in Penny Classes for Priority Customers, and increase the Taker fees in Tier 2 applicable to options transactions in Penny and Non-Penny classes for Professional Members; (v) provide alternative Maker rebates for options transactions in all classes for Professional Members, provided that the Member meets certain volume criteria; and (vi) create new tiered fee structures for Taker fees in the symbols SPY, QQQ, IWM and VXX for Priority Customers. The Exchange also proposes to make certain non-substantive, technical corrections to the Fee Schedule, as described below.

The Exchange currently assesses transaction rebates and fees to all market participants which are based upon the total monthly volume executed by the Member[5] on MIAX PEARL in the relevant, respective origin type (not including Excluded Contracts)[6] expressed as a percentage of TCV.[7] In addition, the per contract transaction rebates and fees are applied retroactively to all eligible volume for that origin type once the respective threshold tier (''Tier'') has been reached by the Member. The Exchange aggregates the volume of Members and their Affiliates.[8] Members that place resting liquidity, *i.e.,* orders resting on

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Exchange Rule 100, including Interpretations and Policies .01.

[4] ''Market Maker'' means a Member registered with the Exchange for the purpose of making markets in options contracts traded on the Exchange. *See* the Definitions Section of the Fee Schedule and Exchange Rule 100.

[5] ''Member'' means an individual or organization that is registered with the Exchange pursuant to Chapter II of the Exchange Rules for purposes of trading on the Exchange as an ''Electronic Exchange Member'' or ''Market Maker.'' Members are deemed ''members'' under the Exchange Act. *See* the Definitions Section of the Fee Schedule and Exchange Rule 100.

[6] ''Excluded Contracts'' means any contracts routed to an away market for execution. *See* the Definitions Section of the Fee Schedule.

[7] ''TCV'' means total consolidated volume calculated as the total national volume in those classes listed on MIAX PEARL for the month for which the fees apply, excluding consolidated volume executed during the period time in which the Exchange experiences an ''Exchange System Disruption'' (solely in the option classes of the affected Matching Engine (as defined below)). The term Exchange System Disruption, which is defined in the Definitions section of the Fee Schedule, means an outage of a Matching Engine or collective Matching Engines for a period of two consecutive hours or more, during trading hours. The term Matching Engine, which is also defined in the Definitions section of the Fee Schedule, is a part of the MIAX PEARL electronic system that processes options orders and trades on a symbol-by-symbol basis. Some Matching Engines will process option classes with multiple root symbols, and other Matching Engines may be dedicated to one single option root symbol (for example, options on SPY may be processed by one single Matching Engine that is dedicated only to SPY). A particular root symbol may only be assigned to a single designated Matching Engine. A particular root symbol may not be assigned to multiple Matching Engines. The Exchange believes that it is reasonable and appropriate to select two consecutive hours as the amount of time necessary to constitute an Exchange System Disruption, as two hours equates to approximately 1.4% of available trading time per month. The Exchange notes that the term ''Exchange System Disruption'' and its meaning have no applicability outside of the Fee Schedule, as it is used solely for purposes of calculating volume for the threshold tiers in the Fee Schedule. *See* the Definitions Section of the Fee Schedule.

[8] ''Affiliate'' means (i) an affiliate of a Member of at least 75% common ownership between the firms as reflected on each firm's Form BD, Schedule A, or (ii) the Appointed Market Maker of an Appointed EEM (or, conversely, the Appointed EEM of an Appointed Market Maker). An ''Appointed Market Maker'' is a MIAX PEARL Market Maker (who does not otherwise have a corporate affiliation based upon common ownership with an EEM) that has been appointed by an EEM and an ''Appointed EEM'' is an EEM (who does not otherwise have a corporate affiliation based upon common ownership with a MIAX PEARL Market Maker) that has been appointed by a MIAX PEARL Market Maker, pursuant to the process described in the Fee Schedule. *See* the Definitions Section of the Fee Schedule.

the book of the MIAX PEARL System,[9] are paid the specified ''maker'' rebate (each a ''Maker''), and Members that execute against resting liquidity are assessed the specified ''taker'' fee (each a ''Taker''). For opening transactions and ABBO uncrossing transactions, per contract transaction rebates and fees are waived for all market participants. Finally, Members are assessed lower transaction fees and receive lower rebates for order executions in standard option classes in the Penny Pilot Program [10] (''Penny classes'') than for order executions in standard option classes which are not in the Penny Pilot Program (''Non-Penny classes''), where Members are assessed higher transaction fees and receive higher rebates. Transaction rebates and fees in Section (1)(a) of the Fee Schedule are currently assessed according to the following tables:

Origin	Tier	Volume criteria (percent)	Per contract rebates/fees for penny classes		Per contract rebates/fees for non-penny classes	
			Maker	Taker*	Maker	Taker
Priority Customer	1	0.00–0.05	($0.25)	$0.42	($0.85)	$0.87
	2	Above 0.05–0.35	(0.40)	0.42	(1.05)	0.86
	3	Above 0.35—0.50	(0.50)	0.42	(1.05)	0.85
	4	Above 0.50–0.75	(0.53)	0.42	(1.05)	0.84
	5	Above 0.75	(0.54)	0.42	(1.05)	0.84

*For all Penny Classes other than SPY, QQQ, IWM, and VXX. For SPY, the Priority Customer Taker Fee shall be $0.38 per contract. For QQQ, IWM, and VXX, the Priority Customer Taker Fee shall be $0.40 per contract.

Origin	Tier	Volume criteria (percent)	Per contract rebates/fees for penny classes		Per contract rebates/fees for non-penny classes	
			Maker	Taker	Maker**	Taker**
All MIAX PEARL Market Makers	1	0.00–0.05	($0.25)	$0.50	($0.30)	$1.05
	2	Above 0.05–0.25	(0.40)	0.50	(0.30)	1.05
	3	Above 0.25–0.50	(0.40)	0.48	(0.60)	1.03
	4	Above 0.50–0.75 or Above 2.0 in SPY	(0.47)	0.43	(0.65)	1.02
	5	Above 0.75–1.00	(0.48)	0.43	(0.70)	1.02
	6	Above 1.00	(0.48)	0.43	(0.85)	1.02

Origin	Tier	Volume criteria (percent)	Per contract rebates/fees for penny classes		Per contract rebates/fees for non-penny classes	
			Maker	Taker	Maker**	Taker**
Non-Priority Customer, Firm, BD, and Non-MIAX PEARL Market Makers.	1	0.00–0.10	($0.25)	$0.50	($0.30)	$1.05
	2	Above 0.10–0.50	(0.40)	0.49	(0.60)	1.04
	3	Above 0.50–0.75	(0.45)	0.48	(0.65)	1.04
	4	Above 0.75–1.00	(0.48)	0.48	(0.70)	1.04
	5	Above 1.00	(0.48)	0.48	(0.85)	1.04

**Members may qualify for the Maker Rebate and the Taker Fee associated with the highest Tier for transactions in Non-Penny classes if the Member executes more than 0.30% volume in Non-Penny classes, not including Excluded Contracts, as compared to the TCV in all MIAX PEARL listed option classes. For purposes of qualifying for such rates, the Exchange will aggregate the volume transacted by Members and their Affiliates in the following Origin types in Non-Penny classes: MIAX PEARL Market Makers, and Non-Priority Customer, Firm, BD, and Non-MIAX PEARL Market Makers.

Volume Threshold Tiers

The Exchange proposes to modify the monthly volume thresholds applicable to (i) Priority Customers, (ii) MIAX PEARL Market Makers, and (iii) Professional Members.

Priority Customers

Specifically, with regard to transactions for Priority Customers, the Exchange proposes to adjust the calculation threshold of Tier 1's volume criteria from 0.00% up to 0.05% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV, to become above 0.00% up to 0.10% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV.

Further, the Exchange proposes to adjust the calculation threshold of Priority Customer Tier 2's volume criteria from above 0.05% up to 0.35% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV, to become above 0.10% up to 0.35% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV. The Exchange does not propose any adjustment to Tier 3 or Tier 4 volume thresholds for Priority Customer transactions.

The Exchange further proposes to adjust the calculation threshold of Priority Customer Tier 5's volume criteria from above 0.75% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV, to become above 0.75% up to 1.25% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV.

The Exchange proposes to add a new Tier 6 threshold applicable to all Priority Customer transactions and corresponding rebates and fees. The new Tier 6 threshold volume criteria shall be calculated as above 1.25% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV. The new Tier 6 rebates and fees shall be as follows:

[9] The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

[10] *See* Securities Exchange Act Release No. 79778 (January 12, 2017), 82 FR 6662 (January 19, 2017) (SR–PEARL–2016–01).

Priority customer		Per contract rebates/fees for penny classes				Per contract rebates/fees for non-penny classes	
Tier	Volume criteria (percent)	Maker	Taker *	SPY taker [11]	QQQ, IWM, VXX taker [12]	Maker	Taker
6	Above 1.25	($0.54)	$0.43	$0.38	$0.40	($1.05)	$0.84

* For all Penny Classes other than SPY, QQQ, IWM, and VXX.

The Exchange believes that the proposed modified monthly volume thresholds, as well as the new rebates and fees in Tier 6, will continue to provide appropriate incentives for Exchange Members to provide aggressive liquidity in Priority Customer transactions so that they can achieve sufficient rebates and lower fees. The Exchange believes that this amount of volume should continue to make the MIAX PEARL marketplace an attractive venue where the Exchange's Members are incentivized to submit Priority Customer orders, deepening and enhancing the quality of the MIAX PEARL marketplace. This should in turn provide more trading opportunities and tighter spreads for other market participants and result in a corresponding increase in order flow from such other market participants.

Market Makers

The Exchange proposes to modify the monthly volume thresholds applicable to the Exchange's Market Makers and to adjust the thresholds in all Tiers. Specifically, the Exchange proposes to adjust the calculation threshold of Tier 1's volume criteria from 0.00% up to 0.05% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV, to become above 0.00% up to 0.15% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV.

Further, the Exchange proposes to adjust the calculation threshold of Tier 2's volume criteria for Market Makers from above 0.05% up to 0.25% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV, to become above 0.15% up to 0.40% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV.

The Exchange proposes to adjust the calculation threshold of Tier 3's volume criteria for Market Makers from above 0.25% up to 0.50% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV, to become above 0.40% up to 0.65% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV.

The Exchange additionally proposes to adjust the calculation threshold of Tier 4's volume criteria for Market Makers from above 0.50% up to 0.75% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV to become above 0.65% up to 1.00% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV.

The Exchange also proposes to modify the alternative Volume Criteria to Tier 4 based upon the total monthly volume executed by a Market Maker solely in SPY options on MIAX PEARL, expressed as a percentage of total consolidated national volume in SPY options. Pursuant to this alternative Volume Criteria, a Market Maker could currently reach the Tier 4 threshold if the Market Maker's total executed monthly volume in SPY options on MIAX PEARL is above 2.0% of total consolidated national monthly volume in SPY options. The Exchange now proposes that a Market Maker can reach the Tier 4 threshold if the Market Maker's total executed monthly volume in SPY options on MIAX PEARL is above 2.25% of the total consolidated national monthly volume in SPY options. The Exchange believes that the proposed modification to the alternative Volume Criteria threshold in Tier 4 for Market Makers in SPY options (increasing the threshold amount from 2.0% to 2.25%) will continue to provide a sufficient incentive to those Market Makers that concentrate their trading activity in limited options classes (such as SPY options) to reach a higher tier. The alternative Volume Criteria threshold in Tier 4 for Market Makers in SPY options is also discussed in the note beneath the transaction fee tables, which provides more explanation on the alternative threshold. Accordingly, the Exchange also proposes to change the threshold amount (increasing it from 2.0% to 2.25%) in that note beneath the tables. The Exchange also proposes to make another non-substantive technical correction to that same sentence in the note beneath the transaction fee tables to correct an inaccurate cross-reference. Presently, the note reads ''[i]n Tier 3 for MIAX PEARL Market Makers, the alternative Volume Criteria . . .'' However, the Tier referenced in that note should be to Tier 4, not Tier 3. Accordingly, the Exchange proposes to change the reference to Tier 4. This particular proposed change does not impact any fees substantively and only serves to identify the correct Tier.

Further, the Exchange proposes to adjust the calculation threshold of Tier 5's volume criteria for Market Makers from above 0.75% up to 1.00% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV, to become above 1.00% up to 1.40% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV.

The Exchange additionally proposes to adjust the calculation threshold of Tier 6's volume criteria for Market Makers from above 1.00% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV, to become above 1.40% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV.

Professional Members

The Exchange proposes to modify the monthly volume thresholds applicable to all Professional Members to adjust the thresholds in all Tiers as well as to add a new Tier 6 threshold and corresponding Tier 6 rebates and fees. Specifically, the Exchange proposes to adjust the calculation threshold of Tier 1's volume criteria for Professional Members from 0.00% up to 0.10% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV, to become above 0.00% up to 0.15% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV.

Further, the Exchange proposes to adjust the calculation threshold of Tier 2's volume criteria for Professional Members from above 0.10% up to

[11] Proposed fee change to be discussed further below.

[12] Proposed fee change to be discussed further below.

0.50% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV, to become above 0.15% up to 0.40% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV.

Further, the Exchange proposes to adjust the calculation threshold of Tier 3's volume criteria for Professional Members from above 0.50% up to 0.75% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV, to become above 0.40% up to 0.65% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV.

The Exchange additionally proposes to adjust the calculation threshold of Tier 4's volume criteria for Professional Members from above 0.75% up to 1.00% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV, to become above 0.65% up to 1.00% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV.

The Exchange additionally proposes to adjust the calculation threshold of Tier 5's volume criteria for Professional Members from above 1.00% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV, to become above 1.00% up to 1.40% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV.

The Exchange proposes to add a new Tier 6 threshold applicable to all MIAX PEARL Professional Members and corresponding rebates and fees. The new Tier 6 threshold volume criteria shall be calculated as above 1.40% of the total monthly volume executed by the Member on MIAX PEARL, not including Excluded Contracts, divided by the TCV. The new Tier 6 rebates and fees shall be as follows:

Non-priority customer, firm, BD, and non-MIAX PEARL market makers		Per contract rebates/fees for penny classes		Per contract rebates/fees for non-penny classes	
Tier	Volume criteria (percent)	Maker	Taker	Maker **	Taker **
6	Above 1.40	($0.48)	$0.48	($0.85)	$1.04

** Members may qualify for the Maker Rebate and the Taker Fee associated with the highest Tier for transactions in Non-Penny classes if the Member executes more than 0.30% volume in Non-Penny classes, not including Excluded Contracts, as compared to the TCV in all MIAX PEARL listed option classes. For purposes of qualifying for such rates, the Exchange will aggregate the volume transacted by Members and their Affiliates in the following Origin types in Non-Penny classes: MIAX PEARL Market Makers, and Non-Priority Customer, Firm, BD, and Non-MIAX PEARL Market Makers.

The Exchange believes that the modified new monthly thresholds and new rebates and fees in Tier 6 should continue to provide sufficient incentives for Professional Members to aggressively provide liquidity so that they can achieve higher rebates and fees. The Exchange believes that this volume should continue to make the MIAX PEARL marketplace an attractive venue where the Professional Members are incentivized to submit orders, deepening and enhancing the quality of the MIAX PEARL marketplace. This should in turn provide more trading opportunities and tighter spreads for other market participants and result in a corresponding increase in order flow from such other market participants.

Maker Rebates

The Exchange proposes to decrease the Maker rebate amounts in certain Tiers as described below for Penny and Non-Penny classes for Priority Customers and Professional Members.

Priority Customers

Specifically, the Exchange proposes to decrease the Maker rebates in Tiers 3, 4 and 5 for Penny classes and in Tiers 2 through 5 in Non-Penny classes for Priority Customer transactions. For options transactions in Penny classes, the Exchange proposes to decrease the Maker rebate in Tier 3 from ($0.50) to ($0.45), in Tier 4 from ($0.53) to ($0.52) and in Tier 5 from ($0.54) to ($0.53). For Priority Customer options transactions in Non-Penny classes, the Exchange proposes to decrease the Maker rebates in Tier 2 from ($1.05) to ($0.95), in Tier 3 from ($1.05) to ($1.00), in Tier 4 from ($1.05) to ($1.03) and in Tier 5 from ($1.05) to ($1.04).

Professional Members

The Exchange proposes to decrease the Maker rebates applicable to Professional Members in Tiers 3 and 4 in Penny classes and in Tiers 2 through 5 in Non-Penny classes. For options transactions in Penny classes, the Exchange proposes to decrease the Maker rebates in Tier 3 from ($0.45) to ($0.40) and in Tier 4 from ($0.48) to ($0.47). For Professional Member options transactions in Non-Penny classes, the Exchange proposes to decrease the Maker rebates in Tier 2 from ($0.60) to ($0.30), in Tier 3 from ($0.65) to ($0.60), in Tier 4 from ($0.70) to ($0.65) and in Tier 5 from ($0.85) to ($0.70).

The purpose of decreasing the amount of the Maker rebates is to bring the Exchange's rebate amounts more into line with the rebate amounts offered at other Exchanges.[13] The Exchange believes that the decreased amounts will continue to provide a sufficient incentive to Members to execute Priority Customer orders and to Professional Members to execute volume at the Exchange. The Exchange believes that this Maker volume by Members in both Penny and Non-Penny classes will continue to attract liquidity to the Exchange, which in turn will benefit all market participants.

The Exchange also proposes to provide alternative Maker rebates for options transactions in all classes for Professional Members, provided that the Member meets certain volume criteria. Specifically, Members may qualify for Maker rebates equal to the greater of: (A) ($0.40) for Penny Classes and ($0.65) for Non-Penny Classes, or (B) the amount set forth in the applicable Tier reached by the Member in the relevant Origin, if the Member and their Affiliates execute at least 1.50% volume in the relevant month, in Priority Customer Origin type, in all options classes, not including Excluded Contracts, as compared to the TCV in all MIAX PEARL listed option classes. For example, if a Member met the monthly volume criteria and reached Tier 1 for Professional Members' options transactions but reached the Priority

[13] *See* Cboe BZX Options Exchange Fee Schedule under ''Transaction Fees''; *see also* Nasdaq Options Market LLC (''NOM'') Chapter XV, Section 2, ''Nasdaq Options Market Fees and Rebates.''

Customer monthly threshold of over 1.50% of TCV, the Member would receive a rebate of ($0.40) per contract in Penny Classes (instead of ($0.25) per contract) and ($0.65) per contract in Non-Penny Classes (instead of ($0.30) per contract). The member would receive the Taker rates associated with the Tier, $0.50 for Penny and $1.05 for Non-Penny. Also, for purposes of qualifying for such rates, the Exchange will aggregate the Priority Customer volume transacted by Members and their Affiliates. The purpose of providing alternative Maker rebate rates for options transactions in all classes for Professional Members (if the Member meets certain volume criteria) is to encourage Members to execute additional Priority Customer and Professional Member volume on the Exchange. The Exchange believes that additional Priority Customer and Professional Member volume executed on the Exchange will attract further liquidity to the Exchange, which in turn will benefit all market participants.

Taker Fees

The Exchange proposes to: (i) Increase the Taker fees in all Tiers for options transactions in all Penny classes (other than SPY, QQQ, IWM, and VXX) with respect to Priority Customer orders; and (ii) increase the Taker fee for Professional Members in Tier 2 for options transactions in Penny and Non-Penny classes.

Specifically, the Exchange proposes to increase the Taker fees for Priority Customer orders in options in Penny Classes in Tier 1 from $0.42 to $0.48, in Tier 2 from $0.42 to $0.46, in Tier 3 from $0.42 to $0.44, in Tier 4 from $0.42 to $0.44 and in Tier 5 from $0.42 to $0.44.

The Exchange also proposes to increase the Taker fee for Professional Members for options transactions in Penny classes in Tier 2 from $0.49 to $0.50 and in Non-Penny classes in Tier 2 from $1.04 to $1.05.

The purpose of increasing the specified Taker fees and decreasing Maker rebates is for business and competitive reasons. As a new exchange, in order to attract order flow, the Exchange initially set its Maker rebates and Taker fees so that they were meaningfully higher/lower than other options exchanges that operate comparable maker/taker pricing models.[14] The Exchange now believes that it is appropriate to adjust these Maker rebates and Taker fees so that they are more in line with other exchanges, but will still remain highly competitive such that they should enable the Exchange to continue to attract order flow and grow market share.[15]

SPY Taker Fees

The Exchange proposes to amend the Priority Customer table to establish a separate tiered structure of Taker fees for options on SPY. The Exchange currently charges a Taker fee of $0.38 for all transactions on behalf of Priority Customers in SPY options. The Exchange proposes instead to assess the following Taker fees for Priority Customer orders for SPY options corresponding to the Tiers and volume thresholds which are applicable to Priority Customer orders:

Tier 1	$0.44
Tier 2	0.43
Tier 3	0.42
Tier 4	0.41
Tier 5	0.40
Tier 6	0.38

Further, in order to provide a clearer explanation of the requirements for achieving the specified Volume Criteria thresholds in SPY, the Exchange proposes to add a new column setting forth the SPY Taker fees in Section 1(a) of the Fee Schedule under ''Per Contract Rebates/Fees for Penny Classes''.

QQQ, IWM and VXX Taker Fees

The Exchange further proposes to amend the Priority Customer table to establish a separate tiered structure of Taker fees for options transactions in QQQ, IWM and VXX. The Exchange currently charges a Taker fee of $0.40 for all transactions on behalf of Priority Customers in QQQ, IWM and VXX options. The Exchange proposes instead to assess the following Taker fees for Priority Customer orders for QQQ, IWM and VXX options corresponding to the Tiers and volume thresholds which are applicable to Priority Customer orders:

Tier 1	$0.47
Tier 2	0.46
Tier 3	0.44
Tier 4	0.43
Tier 5	0.42
Tier 6	0.40

Further, in order to provide a clearer explanation of the requirements for achieving the specified Volume Criteria thresholds in in the symbols QQQ, IWM and VXX, the Exchange proposes to add a new column setting forth the Taker fees for such symbols in Section 1(a) of the Fee Schedule under ''Per Contract Rebates/Fees for Penny Classes''.

Since the Exchange is adding the new columns to Section 1(a) of the Fee Schedule for SPY and QQQ, IWM, VXX Taker Fees for Priority Customer orders, the Exchange proposes to delete the last sentence in the asterisked footnote below the Priority Customer table which contained the Taker fees for those symbols.

With all proposed changes, Section 1(a) of the Fee Schedule shall be the following:

Origin	Tier	Volume criteria (percent)	Per contract rebates/fees for penny classes				Per contract rebates/fees for non-penny classes	
			Maker	Taker*	SPY taker	QQQ, IWM, VXX taker	Maker	Taker
Priority Customer	1	0.00–0.10	($0.25)	$0.48	$0.44	$0.47	($0.85)	$0.87
	2	Above 0.10–0.35	(0.40)	0.46	0.43	0.46	(0.95)	0.86
	3	Above 0.35–0.50	(0.45)	0.44	0.42	0.44	(1.00)	0.85
	4	Above 0.50–0.75	(0.52)	0.44	0.41	0.43	(1.03)	0.84
	5	Above 0.75–1.25	(0.53)	0.44	0.40	0.42	(1.04)	0.84
	6	Above 1.25	(0.54)	0.43	0.38	0.40	(1.05)	0.84

*For all Penny Classes other than SPY, QQQ, IWM, and VXX.

Origin	Tier	Volume criteria (percent)	Per contract rebates/fees for penny classes		Per contract rebates/fees for non-penny classes	
			Maker	Taker	Maker**	Taker**
All MIAX PEARL Market Makers	1	0.00–0.15	($0.25)	$0.50	($0.30)	$1.05
	2	Above 0.15–0.40	(0.40)	0.50	(0.30)	1.05

[14] *See* Securities Exchange Act Release Nos. 80915 (June 13, 2017), 82 FR 27912 (June 19, 2017) (SR–PEARL–2017–29); 80914 (June 13, 2017), 82 FR 27910 (June 19, 2017) (SR–PEARL–2017–30).

[15] *See supra* note 13.

Origin	Tier	Volume criteria (percent)	Per contract rebates/fees for penny classes		Per contract rebates/fees for non-penny classes	
			Maker	Taker	Maker **	Taker **
	3	Above 0.40–0.65	(0.40)	0.48	(0.60)	1.03
	4	Above 0.65–1.00 or Above 2.25 in SPY	(0.47)	0.43	(0.65)	1.02
	5	Above 1.00–1.40	(0.48)	0.43	(0.70)	1.02
	6	Above 1.40	(0.48)	0.43	(0.85)	1.02

Origin	Tier	Volume criteria (percent)	Per contract rebates/fees for penny classes		Per contract rebates/fees for non-penny classes	
			Maker ^	Taker	Maker ** ^	Taker **
Non-Priority Customer, Firm, BD, and Non-MIAX PEARL Market Makers	1	0.00–0.15	($0.25)	$0.50	($0.30)	$1.05
	2	Above 0.15–0.40.	(0.40)	0.50	(0.30)	1.05
	3	Above 0.40–0.65.	(0.40)	0.48	(0.60)	1.04
	4	Above 0.65–1.00.	(0.47)	0.48	(0.65)	1.04
	5	Above 1.00–1.40.	(0.48)	0.48	(0.70)	1.04
	6	Above 1.40	(0.48)	0.48	(0.85)	1.04

** Members may qualify for the Maker Rebate and the Taker Fee associated with the highest Tier for transactions in Non-Penny classes if the Member executes more than 0.30% volume in Non-Penny classes, not including Excluded Contracts, as compared to the TCV in all MIAX PEARL listed option classes. For purposes of qualifying for such rates, the Exchange will aggregate the volume transacted by Members and their Affiliates in the following Origin types in Non-Penny classes: MIAX PEARL Market Makers, and Non-Priority Customer, Firm, BD, and Non-MIAX PEARL Market Makers.

^ Members may qualify for Maker Rebates equal to the greater of: (A) ($0.40) for Penny Classes and ($0.65) for Non-Penny Classes, or (B) the amount set forth in the applicable Tier reached by the Member in the relevant Origin, if the Member and their Affiliates execute at least 1.50% volume in the relevant month, in Priority Customer Origin type, in all options classes, not including Excluded Contracts, as compared to the TCV in all MIAX PEARL listed option classes.

Except as otherwise set forth herein, the Volume Criteria is calculated based on the total monthly volume executed by the Member in all options classes on MIAX PEARL in the relevant Origin type, not including Excluded Contracts, (as the numerator) expressed as a percentage of (divided by) TCV (as the denominator). In Tier 4 for MIAX PEARL Market Makers, the alternative Volume Criteria (above 2.25% in SPY) is calculated based on the total monthly volume executed by the Market Maker solely in SPY options on MIAX PEARL in the relevant Origin type, not including Excluded Contracts, (as the numerator) expressed as a percentage of (divided by) SPY TCV (as the denominator). The per contract transaction rebates and fees shall be applied retroactively to all eligible volume once the threshold has been reached by Member. The Exchange aggregates the volume of Members and their Affiliates in the Add/Remove Tiered Fees. The per contract transaction rebates and fees shall be waived for transactions executed during the opening and for transactions that uncross the ABBO.

The proposed changes are scheduled to become operative June 1, 2018.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act [16] in general, and furthers the objectives of Section 6(b)(4) of the Act,[17] in that it is an equitable allocation of reasonable dues, fees and other charges among Exchange members and issuers and other persons using its facilities, and 6(b)(5) of the Act,[18] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed new Tier structures applicable to Priority Customers, Market Makers and Professional Members are consistent with Section 6(b)(4) of the Act in that they are fair, equitable and not unreasonably discriminatory and should continue to improve the market quality for the Exchange's Members and consequently all market participants. The proposed changes to the MIAX PEARL Tier structures and rebates and fees are fair and equitable and not unreasonably discriminatory because they apply equally to all MIAX PEARL orders for the applicable origin type. All similarly situated MIAX PEARL orders are subject to the same rebate and fee schedule, and access to the Exchange is offered on terms that are not unfairly discriminatory.

The Exchange believes that the proposed new Tier structures applicable to Priority Customers, Market Makers and Professional Members are consistent with Section 6(b)(5) of the Act in that they promote equitable access to the Exchange for all market participants. To the extent that MIAX PEARL Member volume is increased by the proposal, market participants will increasingly compete for the opportunity to trade on the Exchange including sending more orders to the Exchange. The resulting increased volume and liquidity will benefit all Exchange participants by providing more trading opportunities and tighter spreads.

The specific volume thresholds of the Tiers for Priority Customers, Market Makers and Professional Members as well as the rebates and fees are set based upon business determinations and an analysis of current volume levels. The Exchange believes that the proposed new Maker rebates and Taker fees are generally within the range of rebates and fees at other exchanges that have a Maker-Taker fee structure.[19] The volume thresholds are intended to continue to incentivize MIAX PEARL Members to increase the number of orders they send to the Exchange so that they can achieve the next threshold, and to encourage all market participants to send more orders as well. Increasing the number of orders sent to the Exchange will in turn provide tighter and more liquid markets, and therefore attract

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(4).

[18] 15 U.S.C. 78f(b)(1) and (b)(5).

[19] *See supra* note 13.

more business overall. Similarly, the different rebate rates at the different Tier levels are based on an analysis of current revenue and volume levels and are intended to provide continued incentives to MIAX PEARL market participants to increase the volume of orders sent to, and contracts executed on, the Exchange. The specific volume thresholds of the Tiers and rates are set in order to encourage MIAX PEARL market participants to continue to reach for higher tiers.

The proposed Maker rebate decrease in Penny and Non-Penny Classes applicable to Priority Customers and Professional Members in the specified Tiers is reasonable, equitable and not unfairly discriminatory because all similarly situated market participants are subject to the same tiered rebates and fees and access to the Exchange is offered on terms that are not unfairly discriminatory. For competitive and business reasons, the Exchange initially set its Maker rebates for Priority Customer and Professional Member orders higher than certain other options exchanges that operate comparable maker/taker pricing models.[20] The Exchange now believes that it is appropriate to decrease those Maker rebates so that they are more in line with other exchanges, and will still remain highly competitive such that they should enable the Exchange to continue to attract order flow and grow market share.

The proposal to provide alternative Maker rebates for options transactions in all classes for Professional Members, provided that the Member meets certain volume criteria (the Member and their Affiliates execute at least 1.50% volume in the relevant month, in Priority Customer Origin type, in all options classes, not including Excluded Contracts, as compared to the TCV in all MIAX PEARL listed option classes), is reasonable, equitable and not unfairly discriminatory because all similarly situated market participants are subject to the same tiered rebates and fees and access to the Exchange is offered on terms that are not unfairly discriminatory. The Exchange believes that providing alternative Maker rebates for options transactions in all classes for Professional Members (if the Member meets certain volume criteria relating to Priority Customer volume) will encourage Members to execute additional Priority Customer and Professional Member volume on the Exchange. The Exchange believes that additional Priority Customer and Professional Member volume executed on the Exchange will attract further liquidity to the Exchange, which in turn will benefit all market participants.

The Exchange's proposal to modify the Alternative Volume Criteria for Tier 4 based on SPY volume executed on the Exchange is reasonable, equitable, and not unfairly discriminatory, since it is intended to incentivize order flow in increased volume levels to be sent to the Exchange for execution in an actively traded options class. SPY options are the most actively traded class. The Exchange therefore believes that incentivizing Members that concentrate their trading activity in SPY options will consequently increase order flow sent to the Exchange, which will benefit all market participants through increased liquidity, tighter markets and order interaction.

The proposed Taker fee increases applicable to orders submitted by a Member for the account of Priority Customers and Professional Members are reasonable, equitable and not unfairly discriminatory because all option orders of the same origin type are subject to the same tiered Taker fees and access to the Exchange is offered on terms that are not unfairly discriminatory. The Exchange initially set its Taker fees at the various levels based upon business determinations and an analysis of current Taker fees and volume levels at other exchanges. For competitive and business reasons, the Exchange initially set its Taker fees for Priority Customer and Professional Member orders lower than certain other options exchanges that operate comparable maker/taker pricing models.[21] The Exchange now believes that it is appropriate to increase those Taker fees so that they are more in line with other exchanges, and will still remain highly competitive such that they should enable the Exchange to continue to attract order flow and grow market share. The Exchange notes that, even as amended, its Taker fees for Priority Customers and Professional Members are generally lower than certain other options exchanges operating competing models.[22] The Exchange believes for these reasons that increasing certain Taker fees for Priority Customer and Professional Member transactions in the specified Tiers is equitable, reasonable and not unfairly discriminatory, and thus consistent with the Act.

Furthermore, the proposed increases to the Taker fees for Priority Customer transactions promotes just and equitable principles of trade, fosters cooperation and coordination with persons engaged in facilitating transactions in securities, and protects investors and the public interest, because even with the increases, the Exchange's proposed Taker fees for Priority Customer and Professional Member orders still remain highly competitive with certain other options exchanges offering comparable pricing models, and should enable the Exchange to continue to attract order flow and grow market share. The Exchange believes that the amount of such fees, as proposed to be increased, will continue to encourage Members to send Priority Customer and Professional Member orders to the Exchange. To the extent that order flow is increased by the proposal, market participants will increasingly compete for the opportunity to trade on the Exchange, including sending more orders which will have the potential to be assessed lower fees and higher rebates than certain other competing options exchanges. The resulting increased volume and liquidity will benefit all Exchange participants by providing more trading opportunities and tighter spreads.

The Exchange believes that its proposal to offer tiered Taker fees assessable to transactions solely in SPY, QQQ, IWM, and VXX options is consistent with other options markets that also assess different transaction fees for select option classes (including SPY, QQQ, IWM, and VXX) as compared to other option classes. The Exchange believes that establishing separate tiered pricing for these select products for Priority Customers is reasonable, equitable, and not unfairly discriminatory because these select products are generally more liquid than other option classes. Additionally, certain other competing options exchanges differentiate pricing in a similar manner.[23]

The Exchange believes that the proposed non-substantive, technical corrections to the note beneath the transaction fee tables will promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system because it will improve the readability of the Fee Schedule. The proposed changes do not alter the substantive application of fees or rebates. As such, the proposed change is intended to foster cooperation and coordination with persons engaged in facilitating transactions in securities

[20] *See supra* note 14.

[21] *Id.*

[22] *Id.*

[23] *See* Nasdaq ISE Schedule of Fees, Section I, Regular Order Fees and Rebates; *see also* Nasdaq Options Market LLC (''NOM'') Chapter XV, Section 2, ''Nasdaq Options Market Fees and Rebates.''

and would remove impediments to and perfect the mechanism of a free and open market and a national market system. In particular, the Exchange believes that the proposed rule change will provide greater clarity to Members and the public regarding the Exchange's Fee Schedule, and it is in the public interest for rules to be accurate and concise so as to eliminate the potential for confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

MIAX PEARL does not believe that the proposed rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed changes in the Tier structure for the market participants should continue to encourage the provision of liquidity that enhances the quality of the Exchange's markets and increases the number of trading opportunities on MIAX PEARL for all participants who will be able to compete for such opportunities. The proposed rule change should enable the Exchange to continue to attract and compete for order flow with other exchanges. However, this competition does not create an undue burden on competition but rather offers all market participants the opportunity to receive the benefit of competitive pricing.

The proposed Maker rebate decreases, alternative Maker rebates, and Taker fee increases as well as the tiered Taker fees for SPY, QQQ, IWM and VXX options, are intended to keep the Exchange's fees highly competitive with those of other exchanges, and to encourage liquidity and should enable the Exchange to continue to attract and compete for order flow with other exchanges which offer comparable Maker rebates and Taker fees and enhanced pricing on transactions in select symbols.

Further, the Exchange believes that the proposed modification to the alternative Volume Criteria threshold in Tier 4 based on SPY options volume applicable to Market Makers will continue to provide incentives to those Market Makers that concentrate their trading activity in SPY options to send additional SPY orders and creates additional opportunity for additional liquidity to the market.

The Exchange does not believe that the proposed rule change to make technical corrections to its rules will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. This aspect of the proposed rule change is not designed to address any competitive issues but rather is designed to add additional clarity and to remedy minor, non-substantive issues in the text of the Fee Schedule.

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its rebates and fees to remain competitive with other exchanges and to attract order flow. The Exchange believes that the proposed rule changes reflect this competitive environment because they modify the Exchange's fees in a manner that encourages market participants to continue to provide liquidity and to send order flow to the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[24] and Rule 19b–4(f)(2) [25] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule 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–PEARL–2018–13 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–PEARL–2018–13. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–PEARL–2018–13 and should be submitted on or before July 9, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

Eduardo A. Aleman,

Assistant Secretary.

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[24] 15 U.S.C. 78s(b)(3)(A)(ii).

[25] 17 CFR 240.19b–4(f)(2).

[26] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83416; File No. SR–ISE–2018–53]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Position and Exercise Limits for Options on the SPY Exchange Traded Fund

June 12, 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 June 4, 2018, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 412, entitled ''Position Limits'' at Supplementary Material .01 and Rule 414, entitled ''Exercise Limits'' at Supplementary Material .01, to amend position and exercise limits for options on the SPDR® S&P 500® exchange-traded fund (''SPY ETF'' or ''SPY''),[3] which list and trade under the symbol ''SPY.''

The text of the proposed rule change is available on the Exchange's website at *http://ise.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

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

ISE Rule 412, entitled ''Position Limits'' at Supplementary Material .01 and Rule 414, entitled ''Exercise Limits'' at Supplementary Material .01 establish positions for aggregate positions in option contracts traded on the Exchange. The rule lists specific position and exercise limits for certain select underlying securities. SPY is among the certain select underlying securities listed in each such Rule. Currently, these Rules provide that there are no position limits and there are no exercise limits on options overlying SPY pursuant to a pilot program, which is scheduled to expire on July 12, 2018 (''SPY Pilot Program'').[4]

The Exchange proposes to amend Rule 412 at Supplementary Material .01 and Rule 414 at Supplementary Material .01 to allow the SPY Pilot Program to terminate on July 12, 2018, the current expiration date of the SPY Pilot Program. In lieu of extending the SPY Pilot Program for another year, the Exchange proposes to allow the SPY Pilot Program to terminate and to establish position and exercise limits of 1,800,000 contracts, for options on SPY, with such change becoming operative on July 12, 2018, so that there is no lapse in time between termination of the SPY Pilot Program and the establishment of the new limits. Furthermore, as a result of the termination of the SPY Pilot Program, the Exchange does not believe it is necessary to submit a SPY Pilot Program Report at the end of the SPY Pilot Program. Based on the prior SPY Pilot Program Reports provided to the Commission,[5] the Exchange believes it is appropriate to terminate the SPY Pilot Program and that permanent position and exercise limits should be established for SPY.

Position limits are designed to address potential manipulative schemes and adverse market impact surrounding the use of options, such as disrupting the market in the security underlying the options. The potential manipulative schemes and adverse market impact are balanced against the potential of setting the limits so low as to discourage participation in the options market. The level of those position limits must be balanced between curtailing potential manipulation and the cost of preventing potential hedging activity that could be used for legitimate economic purposes.

The SPY Pilot Program was established in 2012 in order to eliminate position and exercise limits for physically-settled SPY options.[6] In 2005, the position limits for SPY options were increased from 75,000 contracts to 300,000 contracts on the same side of the market.[7] In July 2011, the position limit for these options was again increased from 300,000 contracts to 900,000 contracts on the same side of the market.[8] Then, in 2012, the position and exercise limits for SPY options were eliminated as part of the SPY Pilot Program.[9]

The underlying SPY tracks the performance of the S&P 500 Index and the Exchange notes that the SPY and SPY options have deep, liquid markets that reduce concerns regarding manipulation and disruption in the underlying markets. In support of this proposed rule change, the Exchange has collected the following trading statistics for SPY and SPY Options: (1) The average daily volume (''ADV'') to date (as of May 15, 2018) for SPY is 108.32 million shares; (2) the ADV to date in 2018 for SPY options is 3.9 million contracts per day; (3) the total shares outstanding for SPY are 965.43 million; and (4) the fund market cap for SPY is 261.65 billion. The Exchange represents further that there is tremendous liquidity in the securities that make up the S&P 500 Index.

Accordingly, the Exchange proposes to amend Rule 412 at Supplementary Material .01 and Rule 414 at Supplementary Material .01 to set forth that the position and exercise limits for options on SPY would be 1,800,000 contracts on the same side of the market. These position and exercise

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] ''SPDR®,'' ''Standard & Poor's®,'' ''S&P®,'' ''S&P 500®,'' and ''Standard & Poor's 500'' are registered trademarks of Standard & Poor's Financial Services LLC. The SPY ETF represents ownership in the SPDR S&P 500 Trust, a unit investment trust that generally corresponds to the price and yield performance of the SPDR S&P 500 Index.

[4] *See* Securities Exchange Act Release No. 68000 (October 5, 2012), 77 FR 62300 (October 12, 2012) (SR–ISE–2012–81); 70967 (December 3, 2013), 78 FR 73912 (December 9, 2013) (SR–ISE–2013–62); 74224 (February 6, 2015), 80 FR 7892 (February 12, 2015 (SR–ISE–2015–05); 75411 (July 9, 2015), 80 FR 41543 (July 15, 2015) (SR–ISE–2015–22); 78295 (July 12, 2016), 81 FR 46728 (July 18, 2016) (SR–ISE–2016–16); and 81094 (July 7, 2017), 82 FR 32392 (July 13, 2017) (SR–ISE–2017–72).

[5] *Id.*

[6] *See* Securities Exchange Act Release No. 68000 (October 5, 2012), 77 FR 62300 (October 12, 2012) (SR–ISE–2012–81).

[7] See Securities Exchange Act Release No. 51042 (January 14, 2005), 70 FR 3412 (January 24, 2005) (SR–ISE–2005–05).

[8] *See* Securities Exchange Act Release No. 64760 (June 28, 2011), 76 FR 39143 (July 5, 2011) (SR–ISE–2011–34).

[9] *See* note 4 above.

limits equal the current position and exercise limits for options on QQQQ, which the Commission previously approved to be increased from 900,000 contracts on the same side of the market, to 1,800,000 contracts on the same side of the market.[10] The Exchange also notes that SPY is more liquid than QQQQ.[11] The Exchange believes that establishing position and exercise limits for the SPY options in the amount of 1,800,000 contracts on the same side of the market subject to this proposal would allow for the maintenance of the liquid and competitive market environment for these options, which will benefit customers interested in these products. Under the proposal, the reporting requirement for the options would be unchanged.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Section 6(b)(5) of the Act,[13] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. The Exchange believes that establishing permanent position and exercise limits for SPY options subject to this proposal will encourage Market Makers to continue to provide sufficient liquidity in SPY options on the Exchange, which will enhance the process of price discovery conducted on the Exchange. The proposal will also benefit institutional investors as well as retail traders, and public customers, by continuing to provide them with an effective trading and hedging vehicle. In addition, the Exchange believes that the structure of the SPY options subject to this proposal and the considerable liquidity of the market for those options diminishes the opportunity to manipulate this product and disrupt the underlying market that a lower position limit may protect against.

Increased position limits for select actively traded options, such as that proposed herein (increased as compared to the 900,000 limit in place prior to the SPY Pilot Program),[14] is not novel and has been previously approved by the Commission. For example, the Commission has previously approved a rule change permitting the Exchange to double the position and exercise limits for FXI, EEM, IWM, EFA, EWZ, TLT, QQQQ, and EWJ.[15] Furthermore, as previously mentioned, the Commission specifically approved a proposal by the Exchange to increase the position and exercise limits for options on QQQQ from 900,000 contracts on the same side of the market to 1,800,000 contracts on the same side of the market; similar to the current proposal for options on SPY.[16] The Exchange also notes that SPY is more liquid than QQQQ.[17]

Lastly, the Commission expressed the belief that implementing higher position and exercise limits may bring additional depth and liquidity without increasing concerns regarding intermarket manipulation or disruption of the options or the underlying securities.[18] The Exchange's existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior which might arise from increasing position and exercise limits (increased as compared to the 900,000 limit in place prior to the SPY Pilot Program).[19]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the entire proposal is consistent with Section (6)(b)(8) of the Act[20] in that it does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. On the contrary, the Exchange believes the proposal promotes competition because it will enable the option exchanges to attract additional order flow from the over-the-counter market, who in turn compete for those orders. The Exchange believes that the proposed rule change will result in continued opportunities to achieve the investment and trading objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general. The Exchange believes this proposed rule change is necessary to permit fair competition among the options exchanges and to establish uniform position and exercise limits for additional multiply listed option classes. Furthermore, the Exchange believes that the other options exchanges will file similar proposals with the Commission.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[21] and subparagraph (f)(6) of Rule 19b–4 thereunder.[22]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or

[10] *See* Securities Exchange Act Release No. 83156 (May 2, 2018), 83 FR 20875 (May 8, 2018) (SR–ISE–2018–39).

[11] From the beginning of the year, through May 15, 2018, the ADV for SPY was 108.32 million shares while the ADV for QQQQ was 46.64 million shares (calculated using data from Yahoo Finance as of May 15, 2018).

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] *See* note 8.

[15] *See* note 10 above.

[16] *Id.*

[17] *See* note 11 above.

[18] *See* note 10 above.

[19] *See* note 8 above

[20] 15 U.S.C. 78(f)(b)(8).

[21] 15 U.S.C. 78s(b)(3)(A)(iii).

[22] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–ISE–2018–53 on the subject line.

Paper Comments

• Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2018–53. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2018–53 and should be submitted on or before July 9, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–12932 Filed 6–15–18; 8:45 am]

BILLING CODE 8011–01–P

[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:

Exchange Act Rules 13n–1—13n–12; Form SDR, SEC File No. 270–629, OMB Control No. 3235–0719

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rules 13n–1 through 13n–12 (17 CFR 240.13n–1 through 240.13n–12) and Form SDR (''Rules''), under the Securities Exchange Act of 1934 (15 U.S.C. 78m(n)(3) *et seq.*).

Under the Rules, security-based swap data repositories (''SDRs'') are required to register with the Commission by filing a completed Form SDR (the filing of a completed Form SDR also constitutes an application for registration as a securities information processor (''SIP'')). SDRs are also required to abide by certain minimum standards set out in the Rules, including a requirement to update Form SDR, abide by certain duties and core principles, maintain data in accordance with the rules, keep systems in accordance with the Rules, keep records, provide reports to the Commission, maintain the privacy of security-based swaps (''SBSs'') data, make certain disclosures, and designate a Chief Compliance Officer. In addition, there are a number of collections of information contained in the Rules. The information collected pursuant to the Rules is necessary to carry out the mandates of the Dodd-Frank Act and help ensure an orderly and transparent market for SBSs.

The Commission staff estimates that it will take an SDR approximately 481 hours to complete the initial Form SDR and any amendments thereto. This burden is composed of a one-time reporting burden that reflects the applicant's staff time (*i.e.* internal labor costs) to prepare and submit the Form to the Commission and includes the burden of responding to additional provisions incorporated from Form SIP and finally includes responding to the revised disclosure of business affiliations burden. Assuming a maximum of ten SDRs, the aggregate one-time estimated dollar cost to complete Form SDR and any amendments thereto will be $793,840 ((Compliance Attorney at $334 per hour for 180 hours) + (Compliance Clerk at $64 per hour for 301 hours) × (10 registrants)) and the aggregate ongoing cost per year will be $55,440 to comply with the rule.

The Commission staff estimates that the average initial paperwork cost of filing a Form SDR to withdraw from registration will be 12 hours per SDR with an estimated dollar cost of $4,008 to comply with the rule. The Commission estimates that an SDR will assign these responsibilities to a Compliance Attorney, calculated as follows: (Compliance Attorney at $334 per hour for 12 hours) × (1 SDR withdrawing) = $4,008.

In addition, the Commission staff estimates that the average initial paperwork cost for each non-resident SDR to comply with Rule 13n–1(f) will be 1 hour and $900 per SDR. Assuming a maximum of three non-resident SDRs, the aggregate one-time estimated dollar cost to comply with the rule will be $3,840, calculated as follows: ($900 for outside legal services + (Attorney at $380 per for 1 hour)) × (3 non-resident registrants). Finally, the Commission believes that the costs of filing Form SDR in a tagged data format beyond the costs of collecting the required information will be minimal.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: June 13, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–12982 Filed 6–15–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83414; File No. SR–BOX–2018–22]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend IM–3120–2 of BOX Rule 3120 (Position Limits) To Amend the Position and Exercise Limits for Options on the Standard and Poor's Depositary Receipts Trust (''SPY'')

June 12, 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 June 6, 2018, BOX Options Exchange LLC (the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend IM–3120–2 of BOX Rule 3120 (Position Limits) to amend the position and exercise limits for options on the Standard and Poor's Depositary Receipts Trust (''SPY''). 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://boxoptions.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 self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

BOX Rule 3120 (Position Limits) establishes position limits for aggregate positions in option contracts traded on the Exchange. IM–3120–2 to BOX Rule 3120 lists specific position limits for certain select underlying securities.[3] SPY is among the certain select underlying securities listed in such Rule. Currently, this Rule provides that there are no position limits and there are no exercise limits on options overlying SPY pursuant to a pilot program, which is scheduled to expire on July 12, 2018 (''SPY Pilot Program'').[4]

The Exchange proposes to amend IM–3120–2 to allow the SPY Pilot Program to terminate on July 12, 2018, the current expiration date of the SPY Pilot Program. In lieu of extending the SPY Pilot Program for another year, the Exchange proposes to allow the SPY Pilot Program to terminate and to establish position and exercise limits of 1,800,000 contracts, for options on SPY, with such change becoming operative on July 12, 2018, so that there is no lapse in time between termination of the SPY Pilot Program and the establishment of the new limits. Furthermore, as a result of the termination of the SPY Pilot Program, the Exchange does not believe it is necessary to submit a SPY Pilot Program Report at the end of the SPY Pilot Program. Based on the prior SPY Pilot Program Reports provided to the Commission,[5] the Exchange believes it is appropriate to terminate the SPY Pilot Program and that permanent position and exercise limits should be established for SPY.

Position limits are designed to address potential manipulative schemes and adverse market impact surrounding the use of options, such as disrupting the market in the security underlying the options. The potential manipulative schemes and adverse market impact are balanced against the potential of setting the limits so low as to discourage participation in the options market. The level of those position limits must be balanced between curtailing potential manipulation and the cost of preventing potential hedging activity that could be used for legitimate economic purposes.

The SPY Pilot Program was established in 2012 in order to eliminate position and exercise limits for physically-settled SPY options.[6] In 2005, the position limits for SPY options were increased from 75,000 contracts to 300,000 contracts on the same side of the market.[7] In July 2011, the position limit for these options was again increased from 300,000 contracts to 900,000 contracts on the same side of the market.[8] Then, in 2012, the position limits for SPY options were eliminated as part of the SPY Pilot Program.[9]

The underlying SPY tracks the performance of the S&P 500 Index and the Exchange notes that the SPY and SPY options have deep, liquid markets that reduce concerns regarding manipulation and disruption in the underlying markets. In support of its proposed rule change, Miami International Securities Exchange LLC (''MIAX'') has collected the following trading statistics for SPY and SPY Options: (1) The average daily volume (''ADV'') to date (as of May 15, 2018) for SPY is 108.32 million shares; (2) the ADV to date in 2018 for SPY options is 3.9 million contracts per day; (3) the total shares outstanding for SPY are 965.43 million; and (4) the fund market cap for SPY is 261.65 billion.[10] The Exchange, based on MIAX's compiled trading statistics, represents further that there is tremendous liquidity in the securities that make up the S&P 500 Index.

Accordingly, the Exchange proposes to amend IM–3120–2 to Rule 3120 to set forth that the position and exercise limits for options on SPY would be 1,800,000 contracts on the same side of the market. These position and exercise limits equal the current position and exercise limits for options on QQQQ, which the Commission previously approved to be increased from 900,000 contracts on the same side of the market, to 1,800,000 contracts on the

[3] The Exchange notes that IM–3140–1 to BOX Rule 3140 (Exercise Limits) states that exercise limits established under Rule 3140 shall be equivalent to the position limits prescribed for such options in IM–3120–2.

[4] *See* Securities Exchange Act Release Nos. 67936 (September 27, 2012), 77 FR 60491 (October 3, 2012) (SR–BOX–2012–013) (adoption of the SPY Pilot Program), 81092 (July 7, 2017), 82 FR 32402 (July 13, 2017) (SR–BOX–2017–22) (extending the SPY Pilot Program to July 12, 2018).

[5] *Id.*

[6] *See* Securities Exchange Act Release Nos. 67672 (August 15, 2012), 77 FR 50750 (August 22, 2012) (SR–NYSEAmex–2012–29); 67937 (September 27, 2012), 77 FR 60489 (October 3, 2012) (SR–CBOE–2012–091).

[7] *See* Securities Exchange Act Release No. 51041 (January 14, 2005), 70 FR 3408 (January 24, 2005) (SR–CBOE–2005–06).

[8] *See* Securities Exchange Act Release No. 64928 (July 20, 2011), 76 FR 44633 (July 26, 2011) (SR–CBOE–2011–065).

[9] *See supra* note 6.

[10] *See* Securities Exchange Act Release No. 83349 (May 30, 2018), 83 FR 26123 (June 5, 2018) (SR–MIAX–2018–11).

same side of the market.[11] The Exchange also notes that SPY is more liquid than QQQQ.[12] The Exchange believes that establishing position and exercise limits for the SPY options in the amount of 1,800,000 contracts on the same side of the market subject to this proposal would allow for the maintenance of the liquid and competitive market environment for these options, which will benefit customers interested in these products. Under the proposal, the reporting requirement for the options would be unchanged.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act.[13] Specifically, the proposal is consistent with Section 6(b)(5) of the Act[14] because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest. The Exchange believes that establishing permanent position and exercise limits for SPY options subject to this proposal will encourage Market Makers to continue to provide sufficient liquidity in SPY options on the Exchange, which will enhance the process of price discovery conducted on the Exchange. The proposal will also benefit institutional investors as well as retail traders, and public customers, by continuing to provide them with an effective trading and hedging vehicle. In addition, the Exchange believes that the structure of the SPY options subject to this proposal and the considerable liquidity of the market for those options diminishes the opportunity to manipulate this product and disrupt the underlying market that a lower position limit may protect against.

Increased position limits for select actively traded options, such as that proposed herein (increased as compared to the 900,000 limit in place prior to the SPY Pilot Program),[15] is not novel and has been previously approved by the Commission. For example, the Commission has previously approved a rule change permitting the Exchange to double the position and exercise limits for FXI, EEM, IWM, EFA, EWZ, TLT, QQQQ, and EWJ.[16] Furthermore, as previously mentioned, the Commission specifically approved a proposal by the Exchange to increase the position and exercise limits for options on QQQQ from 900,000 contracts on the same side of the market to 1,800,000 contracts on the same side of the market; similar to the current proposal for options on SPY.[17] The Exchange also notes that SPY is more liquid than QQQQ.[18]

Lastly, the Commission expressed the belief that implementing higher position and exercise limits may bring additional depth and liquidity without increasing concerns regarding intermarket manipulation or disruption of the options or the underlying securities.[19] The Exchange's existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior which might arise from increasing position and exercise limits (increased as compared to the 900,000 limit in place prior to the SPY Pilot Program).[20]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the entire proposal is consistent with Section (6)(b)(8) of the Act[21] in that it does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. On the contrary, the Exchange believes the proposal promotes competition because it will enable the option exchanges to attract additional order flow from the over-the-counter market, who in turn compete for those orders. The Exchange believes that the proposed rule change will result in continued opportunities to achieve the investment and trading objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general. BOX believes this proposed rule change is necessary to permit fair competition among the options exchanges and to establish uniform position limits for additional multiply listed option classes.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[22] and Rule 19b–4(f)(6)[23] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule 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–2018–22 on the subject line.

[11] *See* Securities Exchange Act Release No. 82930 (March 22, 2018), 83 FR 13330 (March 28, 2018) (SR–BOX–2018–10); see also Securities Exchange Act Release No. 82770 (February 23, 2018), 83 FR 8907 (March 1, 2018) (SR–CBOE–2017–057).

[12] From the beginning of the year, through May 15, 2018, the ADV for SPY was 108.32 million shares while the ADV for QQQQ was 46.64 million shares (calculated using data from Yahoo Finance as of May 15, 2018).

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] *See supra* note 8.

[16] *See supra* note 10.

[17] *Id.*

[18] *See supra* note 11.

[19] *See supra* note 10.

[20] *See supra* note 8.

[21] 15 U.S.C. 78f(b)(8).

[22] 15 U.S.C. 78s(b)(3)(A).

[23] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

Paper Comments

• Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–BOX–2018–22. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BOX–2018–22 and should be submitted on or before July 9, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–12930 Filed 6–15–18; 8:45 am]

BILLING CODE 8011–01–P

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83412; File No. SR–Phlx–2018–44]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 1001, Entitled "Position Limits"

June 12, 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 June 4, 2018, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 1001, entitled ''Position Limits'', to amend position limits for options on the SPDR® S&P 500® exchange-traded fund (''SPY ETF'' or ''SPY''),[3] which list and trade under the symbol ''SPY.''

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] ''SPDR®,'' ''Standard & Poor's®,'' ''S&P®,'' ''S&P 500®,'' and ''Standard & Poor's 500'' are registered trademarks of Standard & Poor's Financial Services LLC. The SPY ETF represents ownership in the SPDR S&P 500 Trust, a unit investment trust that generally corresponds to the price and yield performance of the SPDR S&P 500 Index.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Phlx Rule 1001, entitled ''Position Limits'' establishes position for aggregate positions in option contracts traded on the Exchange. The rule lists specific position limits for certain select underlying securities.[4] SPY is among the certain select underlying securities listed in each such Rule. Currently, these Rules provide that there are no position limits and there are no exercise limits on options overlying SPY pursuant to a pilot program, which is scheduled to expire on July 12, 2018 (''SPY Pilot Program'').[5]

The Exchange proposes to amend Rule 1001 to allow the SPY Pilot Program to terminate on July 12, 2018, the current expiration date of the SPY Pilot Program. In lieu of extending the SPY Pilot Program for another year, the Exchange proposes to allow the SPY Pilot Program to terminate and to establish position and exercise limits of 1,800,000 contracts, for options on SPY, with such change becoming operative on July 12, 2018, so that there is no lapse in time between termination of the SPY Pilot Program and the establishment of the new limits. Furthermore, as a result of the termination of the SPY Pilot Program, the Exchange does not believe it is necessary to submit a SPY Pilot Program Report at the end of the SPY Pilot Program. Based on the prior SPY Pilot

[4] Rule 1002, entitled ''Exercise Limits'' notes that ''except as set forth in subparagraph (c) herein, no member or member organization shall exercise, for any account in which such member or member organization has an interest or for the account of any partner, officer, director or employee thereof or for the account of any customer, a long position in any option contract of a class of options dealt in on the Exchange (or, respecting an option not dealt in on the Exchange, another exchange if the member or member organization is not a member of that exchange) if as a result thereof such member or member organization, or partner, officer, director or employee thereof or customer, acting alone or in concert with others, directly or indirectly, has or will have exercised within any five (5) consecutive business days aggregate long positions in that class (put or call) as set forth as the position limit in Rule 1001, in the case of options on a stock or on an Exchange-Traded Fund Share, on a foreign currency, or stock index warrants; without regard to the exchange on which the options were purchased.''

[5] *See* Securities Exchange Act Release No. 67999 (October 5, 2012), 77 FR 62295 (October 12, 2012) (SR–Phlx–2012–122); 70879 (November 14, 2013), 78FR 69731 (November 20, 2013) (SR–PHLX–2013–108); 74099 (January 20, 2015), 80 FR 4021 (January 26, 2015) (SR–Phlx–2015–07); 75414 (July 9, 2015), 80 FR 41538 (July 15, 2015) (SR–Phlx–2015–60); 78124 (June 22, 2016), 81 FR 42008 (June 28, 2016) (SR–Phlx–2016–68); and 81091 (July 7, 2017), 82 FR 32404 (July 13, 2017) (SR–Phlx–2017–52).

Program Reports provided to the Commission,[6] the Exchange believes it is appropriate to terminate the SPY Pilot Program and that permanent position and exercise limits should be established for SPY.

Position limits are designed to address potential manipulative schemes and adverse market impact surrounding the use of options, such as disrupting the market in the security underlying the options. The potential manipulative schemes and adverse market impact are balanced against the potential of setting the limits so low as to discourage participation in the options market. The level of those position limits must be balanced between curtailing potential manipulation and the cost of preventing potential hedging activity that could be used for legitimate economic purposes.

The SPY Pilot Program was established in 2012 in order to eliminate position and exercise limits for physically-settled SPY options.[7] In 2005, the position limits for SPY options were increased from 75,000 contracts to 300,000 contracts on the same side of the market.[8] In July 2011, the position limit for these options was again increased from 300,000 contracts to 900,000 contracts on the same side of the market.[9] Then, in 2012, the position limits for SPY options were eliminated as part of the SPY Pilot Program.[10]

The underlying SPY tracks the performance of the S&P 500 Index and the Exchange notes that the SPY and SPY options have deep, liquid markets that reduce concerns regarding manipulation and disruption in the underlying markets. In support of this proposed rule change, the Exchange has collected the following trading statistics for SPY and SPY Options: (1) The average daily volume (''ADV'') to date (as of May 15, 2018) for SPY is 108.32 million shares; (2) the ADV to date in 2018 for SPY options is 3.9 million contracts per day; (3) the total shares outstanding for SPY are 965.43 million; and (4) the fund market cap for SPY is 261.65 billion. The Exchange represents further that there is tremendous liquidity in the securities that make up the S&P 500 Index.

Accordingly, the Exchange proposes to amend Rule 1001 to set forth that the position and exercise limits for options on SPY would be 1,800,000 contracts on the same side of the market. These position and exercise limits equal the current position and exercise limits for options on QQQQ, which the Commission previously approved to be increased from 900,000 contracts on the same side of the market, to 1,800,000 contracts on the same side of the market.[11] The Exchange also notes that SPY is more liquid than QQQQ.[12] The Exchange believes that establishing position and exercise limits for the SPY options in the amount of 1,800,000 contracts on the same side of the market subject to this proposal would allow for the maintenance of the liquid and competitive market environment for these options, which will benefit customers interested in these products. Under the proposal, the reporting requirement for the options would be unchanged.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Section 6(b)(5) of the Act,[14] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. The Exchange believes that establishing permanent position and exercise limits for SPY options subject to this proposal will encourage Market Makers to continue to provide sufficient liquidity in SPY options on the Exchange, which will enhance the process of price discovery conducted on the Exchange. The proposal will also benefit institutional investors as well as retail traders, and public customers, by continuing to provide them with an effective trading and hedging vehicle. In addition, the Exchange believes that the structure of the SPY options subject to this proposal and the considerable liquidity of the market for those options diminishes the opportunity to manipulate this product and disrupt the underlying market that a lower position limit may protect against.

Increased position limits for select actively traded options, such as that proposed herein (increased as compared to the 900,000 limit in place prior to the SPY Pilot Program),[15] is not novel and has been previously approved by the Commission. For example, the Commission has previously approved a rule change permitting the Exchange to double the position and exercise limits for FXI, EEM, IWM, EFA, EWZ, TLT, QQQQ, and EWJ.[16] Furthermore, as previously mentioned, the Commission specifically approved a proposal by the Exchange to increase the position and exercise limits for options on QQQQ from 900,000 contracts on the same side of the market to 1,800,000 contracts on the same side of the market; similar to the current proposal for options on SPY.[17] The Exchange also notes that SPY is more liquid than QQQQ.[18]

Lastly, the Commission expressed the belief that implementing higher position and exercise limits may bring additional depth and liquidity without increasing concerns regarding intermarket manipulation or disruption of the options or the underlying securities.[19] The Exchange's existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior which might arise from increasing position and exercise limits (increased as compared to the 900,000 limit in place prior to the SPY Pilot Program).[20]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the entire proposal is consistent with Section (6)(b)(8) of the Act[21] in that it does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. On the contrary, the Exchange believes the proposal promotes competition because it will enable the option exchanges to attract additional order flow from the over-the-counter market, who in turn compete for those orders. The Exchange believes that the proposed rule change will result in continued opportunities to achieve the investment and trading objectives of market participants seeking

[6] *Id.*

[7] *See* Securities Exchange Act Release No. 67999 (October 5, 2012), 77 FR 62295 (October 12, 2012) (SR–Phlx–2012–122).

[8] *See* Securities Exchange Act Release No. 51071 (January 21, 2005), 70 FR 4911 (January 31, 2005) (SR–Phlx–2005–05).

[9] *See* Securities Exchange Act Release No. 64348 (April 27, 2011), 76 FR 24951 (May 3, 2011) (SR–Phlx–2011–58).

[10] *See* note 5 above.

[11] *See* Securities Exchange Act Release No. 82932 (March 22, 2018), 83 FR 13316 (March 28, 2018) (SR–Phlx–2018–24).

[12] From the beginning of the year, through May 15, 2018, the ADV for SPY was 108.32 million shares while the ADV for QQQQ was 46.64 million shares (calculated using data from Yahoo Finance as of May 15, 2018).

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] *See* note 9.

[16] *See* note 11 above.

[17] *Id.*

[18] *See* note 12 above.

[19] *See* note 11 above.

[20] *See* note 9 above

[21] 15 U.S.C. 78(f)(b)(8).

efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general. The Exchange believes this proposed rule change is necessary to permit fair competition among the options exchanges and to establish uniform position limits for additional multiply listed option classes. Furthermore, the Exchange believes that the other options exchanges will file similar proposals with the Commission.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [22] and subparagraph (f)(6) of Rule 19b–4 thereunder.[23]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–Phlx–2018–44 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2018–44. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2018–44 and should be submitted on or before July 9, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–12928 Filed 6–15–18; 8:45 am]

BILLING CODE 8011–01–P

[22] 15 U.S.C. 78s(b)(3)(A)(iii).

[23] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83410; File No. SR–NYSEArca–2018–42]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE Arca Equities Fees and Charges To Extend the Effectiveness of the Decommission Extension Fee Until September 2018

June 12, 2018.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on June 1, 2018, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Equities Fees and Charges (the ''Fee Schedule'') to extend the effectiveness of the Decommission Extension Fee until September 2018. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange currently charges a Decommission Extension Fee that applies to ETP Holders for the use of certain ports used to connect to NYSE Arca.[4] The Decommission Extension Fee was adopted for a three-month period from March 2018 through May 2018 (the ''extension period'') at a rate of $2,450 per port per month. The Exchange proposes to amend the Fee Schedule to extend the effectiveness of the Decommission Extension Fee for an additional four months, until September 2018. The Exchange also proposes to charge incrementally higher fees for each of the additional months before use of ports subject to the proposed fee is decommissioned. The Exchange proposes to make the fee change effective June 1, 2018.

ETP Holders enter orders and instructions by using communication protocols that map to the order types and modifiers described in Exchange rules. The Exchange currently makes ports available that provide connectivity to the Exchange's trading systems (*i.e.,* ports for the entry of orders and/or quotes (''order/quote entry ports'')) using Pillar phase I protocols (''phase I ports'') and Pillar phase II protocols (''phase II ports'') and charges $550 per port per month.[5] Phase II ports are part of the Exchange's efforts to upgrade its connectivity. Phase I ports are legacy connections used by ETP Holders to communicate with the Exchange. The Exchange also currently makes ports available for drop copies and charges $550 per port per month.[6]

On August 21, 2017, the Exchange notified ETP Holders to transition all connections to the Exchange through the use of phase II ports by the close of trading on February 28, 2018.[7] Notwithstanding prior notice to ETP Holders to migrate fully to phase II ports by the end of February 2018, the Exchange determined to continue to make phase I ports available through the end of May 2018 to allow ETP Holders additional time to transition to phase II ports should an ETP Holder choose to do so. ETP Holders that use phase I ports during the extension period are currently subject to the Decommission Extension Fee.

The Decommission Extension Fee was adopted by the Exchange as an incentive for ETP Holders to fully transition to the phase II ports within an initial six-month transition period before the fee became effective so the Exchange would not have to maintain and support both phase I ports and phase II ports at the end of the transition period. In addition, to the extent that ETP Holders did not fully transition to phase II ports within the initial six-month transition period, the Decommission Extension Fee was intended to cover the Exchange's costs associated with continued support of phase I ports, including costs to maintain servers and their physical location, monitoring order activity, and other support, that are separate from the costs in maintaining phase II ports. Because continued support for phase 1 ports requires the Exchange to dedicate resources, the Exchange adopted the Decommission Extension Fee for the use of such ports during the extension period.

The Exchange now proposes to expand the extension period until the close of trading on September 28, 2018, the last trading day of the month (the ''new extension period''). A small number of ETP Holders have not transitioned to phase II ports and have informed the Exchange of their need for additional time to do so. Therefore, during the new extension period, ETP Holders that continue to connect to the Exchange through phase I ports would be charged the Decommission Extension Fee, as follows: $2,450 per port per month for the month of June 2018; $2,950 per port per month for the month of July 2018; $3,450 per port per month for the month of August 2018; and $3,950 per port per month for the month of September 2018. The Decommission Extension Fee would be charged in addition to the existing port fees currently set forth in the Fee Schedule. The Exchange expects all ETP Holders to transition to the use of phase II ports by the end of the new extension period and that phase I ports would be fully decommissioned at that time.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Sections 6(b)(4) of the Act,[9] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers. In particular, the proposed rule change, including the adoption of graduated fees, is reasonable because it proposes to make a reasonable accommodation by providing ETP Holders additional time, at their request, to transition to phase II ports while incentivizing such ETP Holders to transition to phase II ports to avoid being charged the Decommission Extension Fee. Additionally, the Exchange believes that the Decommission Extension Fee for ETP Holders that choose to continue to connect to the Exchange through the use of phase I ports though the new extension period, which is scheduled to end at the close of trading on September 28, 2018, is equitable and not unfairly discriminatory because the fee would continue to apply equally to all ETP Holders that choose to connect to the Exchange through the use of such ports during the new extension period. As noted above, the Exchange would continue to incur ongoing costs in maintaining phase I ports during the new extension period, including costs to maintain servers and their physical location, monitoring order activity, and other support, with no real benefit. Due to the fixed costs incurred by the Exchange to support phase I ports during the new extension period, the Exchange believes that it is fair and reasonable to charge increased fees to cover the costs of such support during the new extension period because of the small number of ETP Holders that have not transitioned to phase II ports.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[10] the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intramarket competition that is not necessary or appropriate in furtherance

[4] *See* Securities Exchange Act Release No. 81901 (October 19, 2017), 82 FR 49426 (October 25, 2017) (SR–NYSEArca–2017–121).

[5] Port fees are not applicable to ports used for the Exchange's Risk Management Gateway service. Further, no fee applies to ports in the backup datacenter that are not utilized during the relevant month. No fee applies to ports in the backup datacenter that are utilized when the primary datacenter is unavailable. However, if a port in the backup datacenter is utilized when the primary datacenter is available, then the fee would apply.

[6] No fee applies to ports in the backup datacenter if configured such that it is duplicative of another drop copy port of the same user. Only one fee per drop copy port applies, even if the port receives drop copies from multiple order/quote entry ports and/or drop copies for activity on both NYSE Arca Equities and NYSE Arca Options.

[7] *See* Trader Update at *https://www.nyse.com/publicdocs/nyse/markets/nyse/Pillar_Update_NYSE_American_ARCA_NYSE_Tapes_B_and_C.pdf.* On June 22, 2017, the Exchange provided ETP Holders with notice that the phase II ports would be available on August 21, 2017. *See* Trader Update at *https://www.nyse.com/publicdocs/nyse/notifications/trader-update/Pillar_Phase_II_Update_Native_gateways_June_16_2017.pdf.*

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4).

[10] 15 U.S.C. 78f(b)(8).

of the purposes of the Act in that it is simply designed to set forth the Exchange's continued assessment of a fee during the new extension period to provide an incentive to ETP Holders to transition to phase II ports. The Exchange believes that fees for connectivity are constrained by the robust competition for order flow among exchanges and non-exchange markets. Further, excessive fees for connectivity, including port fees, would serve to impair an exchange's ability to compete for order flow rather than burdening competition. The Exchange also does not believe the proposed rule change would impact intramarket competition as it would apply to all ETP Holders equally that connect to the Exchange through the use of such ports.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [11] of the Act and subparagraph (f)(2) of Rule 19b–4 [12] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [13] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2018–42 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2018–42. 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–NYSEArca–2018–42, and should be submitted on or before July 9, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–12926 Filed 6–15–18; 8:45 am]

BILLING CODE 8011–01–P

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(2).

[13] 15 U.S.C. 78s(b)(2)(B).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83409; File No. SR–C2–2018–012]

Self-Regulatory Organizations; Cboe C2 Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fees Schedule in Connection With the Technology Migration of C2 Onto the Options Platform of the Exchange's Affiliated Options Exchanges, Cboe EDGX Exchange, Inc. and Cboe BZX Exchange, Inc.

June 12, 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 31, 2018, Cboe C2 Exchange, Inc. (the ''Exchange'' or ''C2'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it 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 Substance of the Proposed Rule Change

The Exchange proposes to amend its Fees Schedule in connection with the technology migration of C2 onto the options platform of the Exchange's affiliated options exchanges, Cboe EDGX Exchange, Inc. (''EDGX'' or ''EDGX Options'') and Cboe BZX Exchange, Inc. (''BZX'' or ''BZX Options'').

The text of the proposed rule change is available at the Exchange's website at *www.markets.cboe.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed

[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)(iii).

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 parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In 2016, the Exchange's parent company, Cboe Global Markets, Inc., which is also the parent company of Cboe Exchange, Inc. (''Cboe Options''), acquired EDGX and BZX and its affiliated exchanges, Cboe EDGA Exchange, Inc. (''EDGA'') and Cboe BYX Exchange, Inc. (''BYX''). C2 migrated its technology onto the same trading platform as BZX, BYX, EDGA and BZX (''Affiliated Exchanges'') on May 14, 2018 (the ''migration''). In connection with the Migration, the Exchange proposes to amend the Fees Schedule to adopt fees codes and make other non-substantive clarifying changes.[5]

Fee Codes

The Exchange first proposes to adopt and codify in its Fees Schedule fee codes for its standard transaction fees for (i) simple, non-complex orders in all equity, multiply-listed index, ETF and ETN options classes (except RUT), (ii) complex orders in equity, multiply-listed index, ETF and ETN options classes (except RUT), and (iii) RUT transactions. The Exchange notes that on the Affiliated Exchanges, rather than returning a monetary value indicating the rebate or charge for an execution, a fee code is utilized as an indication of a fee classification corresponding to an item on the venue's fee schedule. Each Affiliated Exchange publishes its fee codes in their respective fee schedules.[6] Upon migration, the Exchange's billing system will also utilize various fee codes. The Exchange believes codifying these fee codes directly into the fees schedule will maintain clarity in the Fees Schedule and allow Trading Permit Holders (''TPHs'') to more easily validate their bills on a monthly basis. The Exchange notes that none of these changes substantively amend any fee or rebate, nor do they alter the manner in which the Exchange assesses fees or calculates rebates.

Similarly, the Exchange proposes to adopt fee codes for Linkage Routing Fees. Currently, the Exchange's Fees Schedule provides generally that a Linkage Routing fee of ''$0.70 per routed contract in addition to applicable C2 taker fee'' is assessed to orders that link away to other markets. The Exchange proposes to specifically specify the exact cost of linkage for each type of transaction and adopt a corresponding fee code. Particularly, the Exchange will list the fee code and transaction fee for routed (i) Customer orders in Penny and Non-Penny classes, (ii) Market-Maker orders in Penny and Non-Penny classes, (iii) Non-Customer, Non-Market Maker orders in Penny and Non-Penny classes, and (iv) Customer, Market-Maker and Non-Customer, Non-Market Maker orders in RUT. The Exchange notes that the linkage routing rates are not changing. Rather the Exchange is merely expressing the fee as single rate by combining the $0.70 per contract fee and the applicable C2 taker fee for each type of routed order and also assigning a unique fee code for each type of transaction.

The Exchange also proposes to add a section titled ''Fee Codes and Associated Fees,'' which will include the fee or rebate, fee code, and a description for each possible execution that could occur on the Exchange. The Exchange notes that this section is merely a consolidated table which lists each of the proposed fee codes already listed in the transaction fee tables above it.

Access Fees

Currently, the Fees Schedule provides that Market-Maker Permits entitle the holder to act as a Market-Maker and also provides an appointment credit, quote and order bandwidth allowance and a login allowance and Electronic Access Permits entitle the holder to access the Exchange and also provides an order entry bandwidth allowance and a login allowance. Post-Migration, bandwidth allocation and logins will not be tied to a Permit, and as such, the Exchange proposes to eliminate references to bandwidth and logins in the Access Fees section of the Fees Schedule. The Exchange also proposes to update the reference to the ''Registration Department'' to ''Membership Services Department'' to reflect the current name of the department. The Exchange lastly proposes to eliminate the language that provides that if cancellation of a Trading Permit is effective prior to the end of the applicable month, and the cancelling TPH later requests issuance of the same type of Trading Permit for the remainder of that month, the Exchange may issue the same type of Trading Permit (provided that a Trading Permit is available) but will not impose the additional prorated access fee for that month. The Exchange notes that currently this action rarely happens, and it will be less likely to occur once bandwidth and logins are not tied to permits. Therefore, the Exchange proposes to eliminate this language as it no longer wishes to maintain this fee waiver.

Other Non-Substantive Changes

The Exchange proposes to add clarifying language to the language below the transaction rate table for simple orders. Currently, the Fees Schedule provides that ''For executions that occur within the Complex Order Auction (''COA'') against auction responses, the incoming/auctioned order is considered maker, and auction responses are considered taker.'' The Exchange first proposes to clarify that ''unrelated orders'' are also considered takers, as unrelated orders may trade against incoming/auctioned orders, just as responses do. The Exchange notes that no substantive change is being made by this proposed language. As the new transaction rate tables use the terminology ''Add'' in lieu of ''Maker'' and ''Remove'' in lieu of ''Taker'', the Exchange also proposes to amend this language to remove references to Maker and Taker and replace it with corresponding references to Add and Remove.

The Exchange next proposes to change all references to ''Permit Holders'' to ''Trading Permit Holders'' or ''TPHs''.[7] The Exchange notes that it recently filed a rule filing which proposed to eliminate references to ''Permit Holder'' in the Exchange's rules and instead use only ''Trading Permit Holder'' throughout the rules for consistency.[8] The Exchange proposes to make corresponding changes in the Fees Schedule to provide more consistency throughout the Fees Schedule and also harmonize its Fees Schedule with its rulebook.

The Exchange also proposes to update an obsolete reference to the Series 56

[5] The Exchange initially filed the proposed changes on May 10, 2018 (SR–C2–2018–010). On May 21, 2018, the Exchange withdrew that filing and had already submitted SR–C2–2018–011 in its place on May 18, 2018. On May 31, 2018, the Exchange withdrew SR–C2–2018–011 and submitted this filing.

[6] *See* Cboe EDGA U.S. Equities Exchange Fee Schedule; Cboe EDGX U.S. Equities Exchange Fee Schedule; Cboe BZX U.S. Equities Exchange Fee Schedule; Cboe BYX U.S. Equities Exchange Fee Schedule; Cboe EDGX Options Exchange Fee Schedule; and Cboe BZX Options Exchange Fee Schedule (collectively, ''Affiliated Exchange Fee Schedules'').

[7] *See* C2 Fees Schedule, current Sections 7, 8 and 9.

[8] *See* Securities Exchange Act Release No. 83214 (May 11, 2018) 83 FR 22796 (May 16, 2018) (SR–C2–2018–005).

exam in the Regulatory Fees Section and replace it with a reference to the Series 57 exam. The Exchange notes that the Series 56 exam no longer exists and as such, proposes to update the parenthetical in which it's referenced to a current exam.

The Exchange also is proposing formatting changes to the Fees Schedule. First, in order to harmonize the appearance of the Fees Schedule with the Fee Schedules of its affiliated exchanges, the Exchange proposes to eliminate the section numbers and certain outline formatting from the Fees Schedule and make corresponding non-substantive formatting changes. The Exchange also proposes to reflect fees and rebates in table form. The Exchange notes that no substantive changes are being made, rather the fees, rebates and text of the Fees Schedule are being reformatted to make the Fees Schedule easier to read and to harmonize the appearance with that of its affiliated exchanges.

C2 Cboe Data Services Fees

The Exchange proposes to consolidate the C2 Cboe Data Services, LLC (CDS) Fee Schedule and the C2 Fees Schedule. Currently the CDS Fee Schedule is maintained separately from the C2 Fees Schedule. The Exchange proposes to eliminate the CDS Fee Schedule in its entirety and relocate the fees to the C2 Fees Schedule. The Exchange believes this provides a more streamlined fees schedule and allows TPHs to more readily and easily find all fees applicable to C2. The Exchange notes that no substantive changes are being made with the relocation of the CDS fees.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[9] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[10] which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its Permit Holders and other persons using its facilities. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[11] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed changes are reasonable and equitable because they are clarifying and non-substantive and the Exchange is not changing any fees or rebates that apply to trading activity on the Exchange or routed executions. Further, the changes are designed to eliminate practices that are not utilized, make the fee schedule easier to read and for TPHs to validate the bills that they receive from the Exchange. The Exchange also believes that the proposal is non-discriminatory because it applies uniformly to all TPHs, and again, the Exchange is not making any changes to existing fees and rebates. Finally, the Exchange believes that the proposed fee schedule will be clearer and less confusing for investors and will eliminate potential investor confusion, thereby removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest.

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 intramarket or intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed changes are intended to harmonize the appearance of the Fees Schedule with the Fee Schedules of its affiliated exchanges, to adopt fee codes in connection with the migration to new billing technology and to make clarifying, non-substantive changes to make the Fees Schedule easier to read and alleviate confusion. The Exchange notes that the proposal does not change the amount of any C2 fees or rebates, but rather makes clarifying and formatting changes, and therefore does not raise any competitive issues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[12] and subparagraph (f)(6) of Rule 19b–4 thereunder.[13]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii)[14] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. In its filing, C2 requested that the Commission waive the 30-day operative delay. The Exchange represented that the proposal did not change the amount of any fees or rebates that apply to trading activity on the Exchange or to routed executions, but instead made clarifying and formatting changes in connection with the migration of C2 to the options platform used by its affiliate options exchanges. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest, as such waiver will permit this non-substantive proposed rule change to become operative immediately and thereby facilitate a smoother migration to the new options platform for members of the Exchange. Accordingly, the Commission waives the 30-day operative delay and designates the proposed rule change operative upon filing.[15]

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

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78s(b)(3)(A)(iii).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–C2–2018–012 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–C2–2018–012. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–C2–2018–012, and should be submitted on or before July 9, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–12925 Filed 6–15–18; 8:45 am]

BILLING CODE 8011–01–P

[16] 17 CFR 200.30–3(a)(12) and (59).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15512 and #15513; INDIANA Disaster Number IN–00062]

Presidential Declaration Amendment of a Major Disaster for the State of Indiana

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Indiana (FEMA–4363–DR), dated 05/05/2018.

Incident: Severe Storms and Flooding.

Incident Period: 02/14/2018 through 03/04/2018.

DATES: Issued on 06/05/2018.

Physical Loan Application Deadline Date: 07/05/2018.

Economic Injury (EIDL) Loan Application Deadline Date: 02/05/2019.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Indiana, dated 05/05/2018, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Dearborn, Fulton, Jasper, Kosciusko, La Porte, Ohio, Porter, Pulaski, Spencer, Starke, Switzerland, Vanderburgh, White

Contiguous Counties (Economic Injury Loans Only):

Indiana: Benton, Dubois, Franklin, Gibson, Miami, Perry, Posey, Wabash, Warrick, Whitley

Kentucky: Boone, Daviess, Gallatin, Hancock, Henderson

Ohio: Butler, Hamilton

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2018–12965 Filed 6–15–18; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15514 and #15515; INDIANA Disaster Number IN–00063]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Indiana

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Indiana (FEMA–4363–DR), dated 05/05/2018.

Incident: Severe Storms and Flooding.

Incident Period: 02/14/2018 through 03/04/2018.

DATES: Issued on 06/05/2018.

Physical Loan Application Deadline Date: 07/05/2018.

Economic Injury (EIDL) Loan Application Deadline Date: 02/05/2019.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of INDIANA, dated 05/05/2018, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Pulaski.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2018–12964 Filed 6–15–18; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, as amended, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to

function as a small business investment company under the Small Business Investment Company License No. 07/07–0114 issued to MidStates Capital Fund II, L.P., said license is hereby declared null and void.

United States Small Business Administration.

Dated: April 27, 2018.

A. Joseph Shepard,

Associate Administrator for Investment and Innovation.

[FR Doc. 2018–13102 Filed 6–15–18; 8:45 am]

BILLING CODE P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2018–0004; Dispute Number WT/DS541]

WTO Dispute Settlement Proceeding Regarding India—Export Related Measures

AGENCY: Office of the United States Trade Representative.

ACTION: Notice with request for comments.

SUMMARY: The Office of the United States Trade Representative (USTR) is providing notice that the United States has requested the establishment of a dispute settlement panel under the *Marrakesh Agreement Establishing the World Trade Organization* (WTO Agreement). That request may be found at *www.wto.org* in a document designated as WT/DS541/4. USTR invites written comments from the public concerning the issues raised in this dispute.

DATES: Although USTR will accept any comments during the course of the dispute settlement proceedings, you should submit your comment on or before July 2, 2018, to be assured of timely consideration by USTR.

ADDRESSES: USTR strongly prefers electronic submissions made through the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments in Section III below. The docket number is USTR–2018–0004. For alternatives to on-line submissions, please contact Sandy McKinzy at (202) 395–9483.

FOR FURTHER INFORMATION CONTACT: Assistant General Counsels Ross Bidlingmaier (202) 395–9409 or David Lee (202) 395–9511.

SUPPLEMENTARY INFORMATION:

I. Background

Section 127(b)(1) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3537(b)(1)) requires notice and opportunity for comment after the United States submits or receives a request for the establishment of a WTO dispute settlement panel. Pursuant to this provision, USTR is providing notice that the United States has requested a dispute settlement panel pursuant to the WTO *Understanding on Rules Procedures Governing the Settlement of Disputes* (DSU). The panel will hold its meetings in Geneva, Switzerland.

II. Major Issues Raised by the United States

On March 14, 2018, the United States requested consultations concerning certain Indian export subsidies provided through: (1) The Export Oriented Units Scheme and sector specific schemes, including Electronics Hardware Technology Parks Scheme, (2) the Merchandise Exports from India Scheme, (3) the Export Promotion Capital Goods Scheme, (4) Special Economic Zones, and (5) a duty-free imports for exporters program. The parties failed to reach a mutually satisfactory resolution to this dispute. On May 17, 2018, the United States requested the establishment of a panel. The Dispute Settlement Body considered this request at its meeting of May 28, 2018, and established a panel to consider this dispute.

The United States alleges that India is providing prohibited export subsidies contrary to Articles 3.1(a) and 3.2 of the *Agreement on Subsidies and Countervailing Measures.*

III. Public Comments: Requirements for Submissions

USTR invites written comments concerning the issues raised in this dispute. All submissions must be in English and sent electronically via *www.regulations.gov.* To submit comments via *www.regulations.gov,* enter docket number USTR–2018–0004 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'' on the left side of the search-results page, and click on the link entitled ''comment now!'' For further information on using the *www.regulations.gov* website, please consult the resources provided on the website by clicking on ''How to Use Regulations.gov'' on the bottom of the home page.

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. USTR prefers that comments be provided in an attached document. If a document is attached, it is sufficient to type ''see attached'' in the ''type comment'' field. USTR 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.

For any 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 and bottom of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific information that is business confidential. If you request business confidential treatment, you must certify in writing that disclosure of the information would endanger trade secrets or profitability, and that the information would not customarily be released to the public. Filers of submissions containing business confidential information also must submit a public version of their comments. The file name of the public 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. If this is not sufficient to protect business confidential information or otherwise protect business interests, please contact Sandy McKinzy at (202) 395–9483 to discuss whether alternative arrangements are possible.

USTR may determine that information or advice contained in a comment, other than business confidential information, is confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If a submitter believes that information or advice is confidential, s/he must clearly designate the information or advice as confidential and mark it as ''SUBMITTED IN CONFIDENCE'' at the top and bottom of the cover page and each succeeding page, and provide a non-confidential summary of the information or advice.

Pursuant to Section 127(e) of the URAA (19 U.S.C. 3537(e)), USTR will maintain a docket on this dispute settlement proceeding, docket number USTR–2018–0004, accessible to the public at *www.regulations.gov.* The public file will include non-confidential public comments USTR receives regarding the dispute. If a dispute settlement panel is convened, or in the

event of an appeal from a panel, USTR will make the following documents publicly available at *www.ustr.gov:* The U.S. submissions and any non-confidential summaries of submissions received from other participants in the dispute. If a dispute settlement panel is convened, or in the event of an appeal from a panel, the report of the panel, and, if applicable, the report of the Appellate Body, will also be available on the website of the World Trade Organization, at *www.wto.org.*

Juan Millan,

Assistant United States Trade Representative for Monitoring and Enforcement, Office of the U.S. Trade Representative.

[FR Doc. 2018–12967 Filed 6–15–18; 8:45 am]

BILLING CODE 3290–F8–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0002]

Hours of Service of Drivers: Electronic Logging Devices; Application for Exemption; Old Dominion and Other Motor Carriers Experiencing Problems Integrating PeopleNet ELD System Updates Into Their Fleet Management Systems

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of withdrawal of application for exemption.

SUMMARY: FMCSA announces that it has accepted the request of Old Dominion Freight Line Inc. (Old Dominion) to withdraw its application for an exemption from the Agency's electronic logging device (ELD) requirements. Old Dominion no longer needs the exemption.

FOR FURTHER INFORMATION CONTACT: For information concerning this notice, contact Mr. Tom Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 614–942–6477. Email: *MCPSD@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

Old Dominion, USDOT 90849, reports that it is an interstate motor carrier based in North Carolina with 228 Service Centers located throughout the country. Its operations cover the entire continental United States. The company is one of the largest less-than-truckload carriers in the country, operating a fleet of more than 8,500 power units and employing more than 10,100 commercial motor vehicle (CMV) drivers.

Old Dominion applied for an exemption from the ELD requirements to allow the company to install ELD devices running on automatic on-board recording device (AOBRD) software in CMVs added to the company's fleet for up to one year from the December 18, 2017, ELD mandate compliance date. If granted, this modified ELD phase-in period would have allowed Old Dominion's AORBD/ELD provider, PeopleNet, to complete the development of the software necessary to integrate ELD data with the company's fleet management and safety systems to fully meet the ELD mandate. FMCSA considered the request to be on behalf of all motor carriers in similar situations concerning the integration of PeopleNet's ELD software into fleet management systems. On January 31, 2018, FMCSA published a **Federal Register** notice of Old Dominion's application for exemption and asked for public comment (83 FR 4548). On March 12, 2018, by letter, Old Dominion asked to withdraw its application for the requested exemption. The letter of withdrawal is in the docket for this notice. The Agency accordingly accepts Old Dominion's request to withdraw its application and closes the docket of this matter.

Issued on: June 11, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–12986 Filed 6–15–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1998–4334; FMCSA–1999–5578; FMCSA–2000–8398; FMCSA–2001–9561; FMCSA–2003–14504; FMCSA–2003–14504; FMCSA–2003–15268; FMCSA–2005–20560; FMCSA–2005–21254; FMCSA–2007–27333; FMCSA–2007–27515; FMCSA–2007–27897; FMCSA–2007–28695; FMCSA–2008–0121; FMCSA–2009–0154; FMCSA–2011–0092; FMCSA–2011–0124; FMCSA–2011–0140; FMCSA–2011–0141; FMCSA–2013–0027; FMCSA–2013–0028; FMCSA–2013–0029; FMCSA–2013–0030; FMCSA–2014–0007; FMCSA–2014–0300; FMCSA–2014–0304; FMCSA–2015–0048; FMCSA–2015–0052; FMCSA–2015–0053; FMCSA–2015–0055]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 86 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirements in one eye.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before July 18, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–1998–4334; FMCSA–1999–5578; FMCSA–2000–8398; FMCSA–2001–9561; FMCSA–2003–14504; FMCSA–2003–14504; FMCSA–2003–15268; FMCSA–2005–20560; FMCSA–2005–21254; FMCSA–2007–27333; FMCSA–2007–27515; FMCSA–2007–27897; FMCSA–2007–28695; FMCSA–2008–0121; FMCSA–2009–0154; FMCSA–2011–0092; FMCSA–2011–0124; FMCSA–2011–0140; FMCSA–2011–0141; FMCSA–2013–0027; FMCSA–2013–0028; FMCSA–2013–0029; FMCSA–2013–0030; FMCSA–2014–0007; FMCSA–2014–0300; FMCSA–2014–0304; FMCSA–2015–0048; FMCSA–2015–0052; FMCSA–2015–0053; FMCSA–2015–0055 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.

• *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, e.t., 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: 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.*

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

The 86 individuals listed in this notice have requested renewal of their exemptions from the vision standard in 49 CFR 391.41(b)(10), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 86 applicants has satisfied the renewal conditions for obtaining an exemption from the vision requirement (63 FR 66226; 64 FR 16517; 64 FR 27027; 64 FR 51568; 65 FR 78256; 66 FR 16311; 66 FR 30502; 66 FR 41654; 66 FR 41656; 66 FR 48504; 68 FR 13360; 68 FR 19598; 68 FR 33570; 68 FR 37197; 68 FR 44837; 68 FR 48989; 68 FR 54775; 70 FR 17504; 70 FR 25878; 70 FR 30997; 70 FR 30999; 70 FR 41811; 70 FR 42615; 70 FR 46567; 70 FR 53412; 72 FR 12666; 72 FR 21313; 72 FR 25831; 72 FR 27624; 72 FR 28093; 72 FR 32703; 72 FR 39879; 72 FR 40362; 72 FR 46261; 72 FR 52419; 72 FR 54972; 72 FR 62896; 74 FR 19270; 74 FR 20523; 74 FR 23472; 74 FR 26461; 74 FR 26464; 74 FR 34394; 74 FR 34395; 74 FR 34630; 74 FR 37295; 74 FR 41971; 74 FR 43221; 74 FR 43223; 74 FR 48343; 76 FR 25762; 76 FR 25766; 76 FR 32017; 76 FR 34135; 76 FR 34136; 76 FR 37168; 76 FR 37169; 76 FR 37885; 76 FR 40445; 76 FR 44652; 76 FR 50318; 76 FR 53708; 76 FR 53710; 76 FR 53710; 76 FR 54530; 76; FR 55463; 76 FR 55469; 78 FR 24798; 78 FR 26106; 78 FR 27281; 78 FR 32708; 78 FR 34140; 78 FR 34143; 78 FR 37270; 78 FR 41188; 78 FR 41975; 78 FR 46407; 78 FR 51269; 78 FR 52602; 78 FR 56986; 78 FR 56993; 78 FR 78477; 79 FR 4531; 79 FR 38659; 79 FR 53514; 80 FR 2473; 80 FR 14223; 80 FR 18693; 80 FR 26139; 80 FR 26320; 80 FR 29154; 80 FR 31640; 80 FR 33007; 80 FR 33009; 80 FR 33011; 80 FR 35699; 80 FR 36395; 80 FR 37718; 80 FR 40122; 80 FR 44185; 80 FR 44188; 80 FR 48402; 80 FR 48404; 80 FR 48409; 80 FR 48411; 80 FR 49302; 80 FR 50915; 80 FR 50917; 80 FR 53383; 80 FR 62161; 80 FR 62163). They have submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

As of September 6, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 35 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (65 FR 78256; 66 FR 16311; 66 FR 30502; 66 FR 41654; 68 FR 13360; 68 FR 44837; 70 FR 17504; 70 FR 25878; 70 FR 30997; 70 FR 41811; 72 FR 12666; 72 FR 21313; 72 FR 25831; 72 FR 27624; 72 FR 28093; 72 FR 32703; 72 FR 40362; 74 FR 19270; 74 FR 23472; 74 FR 26461; 74 FR 26464; 74 FR 34395; 74 FR 34630; 76 FR 25762; 76 FR 25766; 76 FR 32017; 76 FR 34135; 76 FR 37168; 76 FR 37169; 76 FR 37885; 76 FR 44652; 76 FR 50318; 78 FR 24798; 78 FR 26106; 78 FR 27281; 78 FR 32708; 78 FR 34140; 78 FR 34143; 78 FR 37270; 78 FR 41188; 78 FR 41975; 78 FR 46407; 78 FR 51269; 78 FR 52602; 78 FR 56986; 78 FR 56993; 79 FR 4531; 79 FR 38659; 79 FR 53514; 80 FR 2473; 80 FR 14223; 80 FR 18693; 80 FR 26139; 80 FR 26320; 80 FR 29154; 80 FR 31640; 80 FR 33007; 80 FR 33009; 80 FR 33011; 80 FR 35699; 80 FR 36395; 80 FR 37718; 80 FR 40122; 80 FR 44185; 80 FR 44188; 80 FR 48404; 80 FR 48409; 80 FR 50917; 80 FR 62161; 80 FR 62163):

Robert D. Arkwright (MS)
Roger Bell (IL)
Phillip J. Boes (MN)
Dale E. Bunke (ID)
Daniel G. Cohen (VT)
Jeffrey W. Cotner (OR)
Jeffrey S. Daniel (VA)
John J. Davis (SC)
Roy H. Degner (IA)
David S. Devine (ID)
John C. Dimassa (WA)
Mark J. Dufresne (NH)
Donnie H. Eagle (WV)

Dennis C. Edler (PA)
Steven G. Garrett (CA)
Eric M. Grayson (KY)
William K. Gullett (KY)
David A. Hayes (GA)
John T. Johnson (NM)
Jay D. Labrum (UT)
Spencer E. Leonard (OH)
Brian P. Millard (SC)
Gonzalo Pena (FL)
Richard E. Perry (CA)
Timothy J. Slone (KY)
Hoyt V. Smith (SC)
Dennis W. Stubrich (PA)
Lee T. Taylor (FL)
Michael J. Thane (OH)
Jon C. Thompson (TX)
James L. Tinsley, Jr. (VA)
George F. Treece (IL)
Harlon C. VanBlaricom (MN)
Jeff L. Wheeler (IA)
Zachary J. Workman (ID)

The drivers were included in the following docket numbers: FMCSA–2000–8398; FMCSA–2001–9561; FMCSA–2005–20560; FMCSA–2007–27333; FMCSA–2007–27515; FMCSA–2009–0121; FMCSA–2011–0092; FMCSA–2011–0140; FMCSA–2013–0027; FMCSA–2013–0028; FMCSA–2013–0029; FMCSA–2013–0030; FMCSA–2014–0007; FMCSA–2014–0300; FMCSA–2014–0304; FMCSA–2015–0048; FMCSA–2015–0052; FMCSA–2015–0053; FMCSA–2015–0055. Their exemptions are applicable as of September 6, 2017, and will expire on September 6, 2019.

As of September 7, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following four individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirements (76 FR 34136; 76 FR 37169; 76 FR 50318; 76 FR 55463; 78 FR 78477; 80 FR 50915):

Charles E. Carter (MI)
James A. Ellis (NY)
Dale L. Giardine (PA)
Peter M. Shirk (PA)

The drivers were included in docket numbers: FMCSA–2011–0124; FMCSA–2011–0140. Their exemptions are applicable as of September 7, 2017, and will expire on September 7, 2019.

As of September 13, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following ten individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirements (76 FR 34136; 76 FR 37169; 76 FR 50318; 76 FR 55463; 78 FR 78477; 80 FR 50915):

John A. Bridges (GA)
Brian W. Curtis (IL)
Tomie L. Estes (MO)
Ray C. Johnson (AR)
James J. Mitchell (NC)
Andrew M. Nurnberg (GA)
Joshua R. Perkins (ID)
Craig R. Saari (MN)
Jerry L. Schroder (IL)
Larry D. Steiner (MN)

The drivers were included in docket numbers: FMCSA–2011–0124; FMCSA–2011–0140. Their exemptions are applicable as of September 13, 2017, and will expire on September 13, 2019.

As of September 16, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirements (78 FR 27281; 78 FR 34143; 78 FR 41188; 78 FR 41975; 78 FR 52602; 78 FR 56986; 80 FR 48411):

Carl Block (NY)
Christopher Brim (TN)
John Camp (GA)
Ralph Carr (PA)
Phyllis Dodson (IN)
Juan M. Guerrero (TX)
Berl C. Jennings (VA)
Udum Khamsoksavath (WA)
Vincent Marsee, Sr. (NC)
Jerome Paintner (ND)
David Snellings (MD)

The drivers were included in docket numbers: FMCSA–2013–0028; FMCSA–2013–0029; FMCSA–2013–0030. Their exemptions are applicable as of September 16, 2017, and will expire on September 16, 2019.

As of September 22, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 15 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirements (78 FR 27281; 78 FR 34143; 78 FR 41188; 78 FR 41975; 78 FR 52602; 78 FR 56986; 80 FR 48411):

Michael K. Adams (OH)
Eleazar R. Balli (TX)
Darrell W. Bayless (TX)
Lloyd D. Burgess (OH)
Clifford D. Carpenter (MO)
Cecil A. Evey (ID)
Kamal A. Gaddah (OH)
Eric M. Kousgaard (NE)
James F. McMahon, Jr. (NH)
Samuel A. Miller (IN)
Larry T. Rogers (IL)
Marcial Soto-Rivas (OR)
Boyd D. Stamey (NC)
David C. Sybesma (ID)
Matthew K. Tucker (MN)

The drivers were included in docket numbers: FMCSA–2003–14504; FMCSA–2005–20560; FMCSA–2009–0154; FMCSA–2011–0124. Their exemptions are applicable as of September 22, 2017, and will expire on September 22, 2019.

As of September 23, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirements (64 FR 27027; 64 FR 51568; 66 FR 48504; 68 FR 19598; 68 FR 33570; 68 FR 37197; 68 FR 48989; 68 FR 54775; 70 FR 30999; 70 FR 42615; 70 FR 46567; 70 FR 53412; 72 FR 39879; 72 FR 52419; 72 FR 62896; 74 FR 43221; 76 FR 53708; 78 FR 78477; 80 FR 53383):

Linda L. Billings (NV)
Weldon R. Evans (OH)
Orasio Garcia (TX)
Leslie W. Good (OR)
James P. Guth (PA)
Gregory K. Lilly (WV)
Kenneth A. Reddick (PA)
Leonard Rice, Jr. (GA)
James T. Sullivan (KY)

The drivers were included in docket numbers: FMCSA–1999–5578; FMCSA–2003–14504; FMCSA–2003–15268; FMCSA–2005–21254; FMCSA–2007–27897. Their exemptions are applicable as of September 23, 2017, and will expire on September 23, 2019.

As of September 27, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirements (72 FR 46261; 72 FR 54972; 74 FR 43223; 76 FR 40445; 76 FR 53710; 76 FR 55469; 78 FR 78477): Joe M. Flores (NM), Kenneth D. Perkins (NC).

The drivers were included in docket numbers: FMCSA–1999–5578; FMCSA–2003–14504; FMCSA–2003–15268; FMCSA–2005–21254; FMCSA–2007–27897. Their exemptions are applicable as of September 27, 2017, and will expire on September 27, 2019.

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must undergo an annual physical examination (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a certified Medical Examiner, as defined by 49 CFR 390.5, who attests that the driver is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file or keep a copy of his/her driver's qualification if he/her is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly

authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 86 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above. In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: June 11, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–12999 Filed 6–15–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0031]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 53 individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) operating a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before July 18, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2018–0031 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day e.t., 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: 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.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The 53 individuals listed in this notice have requested an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population.

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled ''A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.'' The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441). The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) Elimination of the requirement for three years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the three-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136 (e). Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary. The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003, notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003, notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

II. Qualifications of Applicants

Jason M. Abbott

Mr. Abbott, 39, has had ITDM since 2015. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Abbott understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Abbott meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Ohio.

Casey L. Alt

Mr. Alt, 46, has had ITDM since 1984. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Alt understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Alt meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Colorado.

Joseph E. Beach

Mr. Beach, 71, has had ITDM since 2014. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Beach understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Beach meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Ohio.

Eli A. Berkowitz

Mr. Berkowitz, 61, has had ITDM since 2013. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Berkowitz understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Berkowitz meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from New Jersey.

Todd O. Blackwell

Mr. Blackwell, 50, has had ITDM since 2001. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Blackwell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Blackwell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Idaho.

Joel H. Blancett, Jr.

Mr. Blancett, 59, has had ITDM since 2012. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Blancett understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Blancett meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from New Mexico.

Robert H. Blowers

Mr. Blowers, 68, has had ITDM since 2013. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Blowers understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Blowers meets the requirements of the vision standard at

49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Ohio.

David R. Booth

Mr. Booth, 61, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Booth understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Booth meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Connecticut.

Travis W. Bradford

Mr. Bradford, 46, has had ITDM since 2015. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Bradford understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bradford meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Kentucky.

Darrel L. Burke

Mr. Burke, 73, has had ITDM since 2007. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Burke understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Burke meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from South Dakota.

Bryan D. Cash

Mr. Cash, 53, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Cash understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Cash meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Michigan.

Marty A. Collins

Mr. Collins, 55, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Collins understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Collins meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Oklahoma.

Gino R. Couch

Mr. Couch, 61, has had ITDM since 2014. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Couch understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Couch meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Indiana.

James D. Denison

Mr. Denison, 42, has had ITDM since 2001. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Denison understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Denison meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Iowa.

David L. Derossett, Jr.

Mr. Derossett, 50, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Derossett understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Derossett meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Indiana.

John L. Enterkin

Mr. Enterkin, 53, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Enterkin understands

diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Enterkin meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Indiana.

William H. Ervin

Mr. Ervin, 59, has had ITDM since 2015. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Ervin understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Ervin meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Carolina.

Scot A. Etgen

Mr. Etgen, 56, has had ITDM since 2015. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Etgen understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Etgen meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Ohio.

Zachary D. Fairbanks

Mr. Fairbanks, 23, has had ITDM since 2005. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Fairbanks understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Fairbanks meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Ohio.

Ward W. Genzel

Mr. Genzel, 57, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Genzel understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Genzel meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Montana.

Kasey D. Green

Mr. Green, 31, has had ITDM since 2016. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Green understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Green meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from California.

Justin A. Hamic

Mr. Hamic, 30, has had ITDM since 1990. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Hamic understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hamic meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Alabama.

Philip F. Headington

Mr. Headington, 38, has had ITDM since 2016. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Headington understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Headington meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Iowa.

Jason A. Hendrickson

Mr. Hendrickson, 40, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Hendrickson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hendrickson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

Bobby R. Isaacson

Mr. Isaacson, 42, has had ITDM since 2013. His endocrinologist examined him in 2018 and certified that he has had no

severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Isaacson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Isaacson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

John W. Johnson

Mr. Johnson, 64, has had ITDM since 2009. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Johnson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Johnson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class B CDL from Florida.

Douglas E. Kanesky, Jr.

Mr. Kanesky, 27, has had ITDM since 2016. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Kanesky understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kanesky meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Arizona.

William D. Kincaid, Jr.

Mr. Kincaid, 58, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Kincaid understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kincaid meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Massachusetts.

David W. Koch

Mr. Koch, 55, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Koch understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Koch meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Christopher N. Lacy

Mr. Lacy, 43, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Lacy understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lacy meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from West Virginia.

John G. Lopez

Mr. Lopez, 27, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Lopez understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lopez meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Texas.

David E. Marvin

Mr. Marvin, 68, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Marvin understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Marvin meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Iowa.

Bruce R. McDaniel

Mr. McDaniel, 69, has had ITDM since 2011. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. McDaniel understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. McDaniel meets the

requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Oklahoma.

Edward A. Oikemus, Jr.

Mr. Oikemus, 53, has had ITDM since 2010. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Oikemus understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Oikemus meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Maryland.

Tony L. Pennywell

Mr. Pennywell, 56, has had ITDM since 2013. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Pennywell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Pennywell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Florida.

Blake T. Pinkston

Mr. Pinkston, 44, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Pinkston understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Pinkston meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Indiana.

Dustin C. Riley

Mr. Riley, 27, has had ITDM since 2006. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Riley understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Riley meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from New York.

Wes D. Rodrigue

Mr. Rodrigue, 52, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Rodrigue understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Rodrigue meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Hampshire.

Johnathan C. Schutz

Mr. Schutz, 64, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Schutz understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Schutz meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Iowa.

Michael P. Scott

Mr. Scott, 34, has had ITDM since 2010. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Scott understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Scott meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from South Carolina.

Patrick E. Sevier

Mr. Sevier, 70, has had ITDM since 2012. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Sevier understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sevier meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Iowa.

Keith O. Shaw, Sr.

Mr. Shaw, 45, has had ITDM since 2016. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in

the last five years. His endocrinologist certifies that Mr. Shaw understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Shaw meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Illinois.

Rosalie A. Silva

Ms. Silva, 63, has had ITDM since 2018. Her endocrinologist examined her in 2018 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. Her endocrinologist certifies that Ms. Silva understands diabetes management and monitoring, has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Silva meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her optometrist examined her in 2018 and certified that she does not have diabetic retinopathy. She holds a Class B CDL from California.

James R. Sizemore

Mr. Sizemore, 59, has had ITDM since 2010. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Sizemore understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sizemore meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Virginia.

David A. Stedford

Mr. Stedford, 48, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Stedford understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Stedford meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class B CDL from Connecticut.

Geraldine St-Germain

Ms. St-Germain, 31, has had ITDM since 2000. Her endocrinologist examined her in 2018 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. Her endocrinologist certifies that Ms. St-Germain understands diabetes management and monitoring, has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. St-Germain meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her optometrist examined her in 2018 and certified that she does not have diabetic retinopathy. She holds an operator's license from New Jersey.

Theodore F. Stuard II

Mr. Stuard, 68, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Stuard understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Stuard meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Indiana.

Richard J. Taylor

Mr. Taylor, 65, has had ITDM since 2014. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Taylor understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Taylor meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Illinois.

Chris A. Voelker

Mr. Voelker, 58, has had ITDM since 2012. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Voelker understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Voelker meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Iowa.

Benjamin B. Webb

Mr. Webb, 55, has had ITDM since 1989. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Webb understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Webb meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from North Carolina.

Donnie E. Winters

Mr. Winters, 65, has had ITDM since 2007. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Winters understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Winters meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Mississippi.

Heath A. Woodiwiss

Mr. Woodiwiss, 48, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Woodiwiss understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Woodiwiss meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Anthony K. Zelinsky

Mr. Zelinsky, 21, has had ITDM since 2014. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Zelinsky understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Zelinsky meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from New Jersey.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the dates section of the notice.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0031 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0031 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: June 11, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–13016 Filed 6–15–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2011–0382; FMCSA–2011–0383; FMCSA–2013–0194; FMCSA–2014–0012; FMCSA–2014–0013; FMCSA–2015–0342; FMCSA–2015–0343; FMCSA–2016–0034]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 191 individuals from its prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals with ITDM to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5:30 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http//www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: 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.*

II. Background

On April 17, 2018, FMCSA published a notice announcing its decision to renew exemptions for 191 individuals from the insulin-treated diabetes mellitus prohibition in 49 CFR 391.41(b)(3) to operate a CMV in interstate commerce and requested comments from the public (77 FR 10612; 77 FR 13686; 77 FR 20874; 77 FR 25227; 79 FR 6987; 79 FR 10612; 79 FR 14579; 79 FR 18388; 79 FR 27685; 79 FR 28590; 81 FR 10703; 81 FR 14179; 81 FR 14197; 81 FR 39318; 81 FR 40743; 81 FR 42043; 81 FR 85317). The public comment period ended on May 17, 2018, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

III. Discussion of Comments

FMCSA received no comments in this preceding.

IV. Conclusion

Based upon its evaluation of the 191 renewal exemption applications and comments received, FMCSA confirms its' decision to exempt the following drivers from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce in 49 CFR 391.64(3):

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of April and are discussed below:

As of April 1, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 84 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (79 FR 6987; 79 FR 18388; 81 FR 10703; 81 FR 40743; 81 FR 85317):

Dennis D. Basmajian (PA)
Glen A. Bayne (ND)
John R. Benshoff (OH)
Harry Berrios (MA)
Terry D. Bettcher (NE)
Jeremy S. Beyerl (PA)
Robert P. Blum (IA)
Mario Boccio (FL)
Christopher J. Branham (SC)
Willard A. Brown (VA)
Terrence K. Cannon (IL)
Candace L. Coccimiglio (PA)
Matthew C. Costa (MA)
Joseph F. Coyle (KY)
Robert P. Crisp (SD)
Philip W. Cumbie (AL)
John H. Cuppett (GA)
Quentin W.S. Dasilva (PA)
Trisha J. Davis (ME)
Eudes N. De Leon (PA)
Randal L. DeBord (TN)
Aleksandr Faynkikh (NY)
Paul D. Ferris (NY)
Berry C. Feuerbacher (AR)
Isaac W. Fitzgerald (UT)
Alex C. Ford (IL)
Robert C. Freeman (VA)
Timothy D. Frye (MA)
Larry Gaskill (RI)
Thomas H. Gaskins (NC)
Samuel J. Gonzales (NM)
Gary A. Grant (WA)
Brian C. Halcomb (IL)
Steven R. Hatch (MI)
William D. Herman (MN)
Floyd E. Holt (VA)
Randall L. Jastram (SD)
Thomas M. Johnson (NM)
Steven R. Jordan (NC)
Kevin A. Kane (NY)
Ryan B. Kincade (CA)
William M. LaPrade (VA)
Gerald Lee (CA)
Timothy R. Lewis (OR)
Gregory J. Littlefield (MN)
John Malloy (PA)
James W. McMenamin (PA)
Glen H. Miller (MI)
Daniel J. Milles, Jr. (FL)
Miguel A. Molina (CO)
Douglas B. Murrell (IN)
Joshua A. Myers (OH)
William C. Nelson (IA)
Howard L. Nelson (IA)
Chris R. Niles (WA)
Keith E. Osterbaan (MI)
Ryan M. Ottis (ND)
Bolaji B. Oyegbola (DC)
Steven M. Parsons (WV)
Teddy D. Peller (AL)
Jeffrey P. Peloquin (NC)
Scott A. Pietruszynksi (IL)
William L. Reece (ND)
John P. Reed, III (DE)
Randy D. Rinnels (IA)
Denise D. Ruffin (MS)
Thomas W. Scott, Jr. (PA)
Charles L. Spencer (NY)
Ryan E. Stretch (MO)
William F. Sullivan, IV (NY)
Robert B. Thomas (PA)
John R. Thompson (WI)
Raymond L. Torrez (MI)
Bore Trivuncic (FL)
William M. Turner (NJ)
Everette L. Twyman (MO)
James H. Vogt (IL)
Ronald L. Voigt (MN)
Michael P. Volpe (MA)
John F. Whitesides (NC)
Michael C.J Wilcox (NY)
Donald L. Winslow (ME)
James J. Wolf, Jr. (PA)
Kevin J. Yates (IL)

The drivers were included in docket numbers FMCSA–2013–0194; FMCSA–2015–0342. Their exemptions are applicable as of April 1, 2018, and will expire on April 1, 2020.

As of April 6, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following eight individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (77 FR 10612; 77 FR 20874; 81 FR 85317):

Rick J. Birdsall (NE)
Steven L. Drake (CA)
Benjamin J. Duea (MN)
Jonathan E. Hunsaker (OR)
William D. Larsen (SD)
William W. Simmons (FL)
Ronald O. Snyder (OH)
Douglas J. Wood (NY)

The drivers were included in docket number FMCSA–2011–0382. Their exemptions are applicable as of April 6, 2018, and will expire on April 6, 2020.

As of April 16, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 89 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (81 FR 14179; 81 FR 14197; 81 FR 39318; 81 FR 42043):

Korey D. Adams (MO)
Harold E. Adams, Sr. (IL)
Jerry J. Altenburg (WI)
Juanita K. Anderson (MN)
Chris L. Austin (AL)
Cory M. Bessette (NY)
Daryl K. Birr (WI)
Samuel E. Bostic (WV)
James R. Burch, II (NC)
Walter L. Butcher, IV (PA)
Russell W. Cadman (CO)
Michael J. Chevalier, Jr. (NJ)
James R. Cockerham (IN)
Alexander W. Coleman (WA)
Earl J. Collier, Jr. (MA)
Michael R. Conley (WI)
Carolyn J. Conover (TN)
Gary R. Craig (PA)
Sebastian Dacruz, Jr. (NJ)
Scott D. Davis (KS)
James D. Deardoff (WA)

Joel R. Farmer (ID)
Samuel M. Feaganes, Jr. (VA)
Ronald Floyd (NY)
Donald W. Fowler, Jr. (NY)
William A. Garrett (GA)
William J. Garrett (SD)
Tyrone B. Gary, Sr. (PA)
Hardy D. Glanzer (ND)
Kevin E. Griebel (SD)
Martin R. Hair (CT)
Bruce T. Hanson (MN)
Darrell E. Holtsoi (NM)
Roger J. Huffsmith (WA)
Arrington Hughes (DC)
Joseph P. Hurston (MA)
Brian K. Hyler (WI)
James A. Iozia (NJ)
Joshua D. Jaramillo (WA)
Keven E. Johnson (TX)
Calvin E. Jones, Jr. (VA)
Jerry M. Kilpatrick (AL)
Rex O. King (IA)
Russell D. Koehler (WI)
Edward D. Krager (PA)
Richard A. Lange (IL)
Michael P. Leggett (WV)
John K. Long (MA)
George S. Luce, Jr. (OH)
Russell J. Luedecker (NJ)
Renee N. Lycksell (WA)
Eugene D. Maessner (ND)
Daniel J. Mandell (NC)
Brady T. Mart (IA)
Jack L. McClintock (PA)
John D. McGinley, Jr. (CA)
Jimmie L. Melton (FL)
Gareth L. Miller (OH)
Jimmy C. Morcom (MI)
Kirk A. Mosier (IA)
Daniel A. Neuens (WI)
Peter J. Niedzwiecki (PA)
Kevin R. OToole (WI)
Mark C. Overbaugh (NY)
Mario A. Papa (RI)
Joseph R. Puliafico (NY)
Neal M. Quinton, Jr. (MA)
Howard G. Rau (MD)
Andrew W. Reid (IN)
Brett M. Rice (PA)
Jacob C. Rojan (IN)
Sholom Rub (NY)
David J. Scimecca (NY)
Ronald D. Smith (IN)
Kenneth W. Swisher (IL)
Melissa Tell (NY)
Jeremy N. Thompson (NY)
Charles R. Thompson, Jr. (KY)
Blane Tor (NJ)
Samuel C. Tracy (WA)
Terry L. Underwood, Jr. (VA)
Aaron M. Vanlanduit (MO)
William O. Wallen (IL)
Steven G. Wehrle (MO)
James H. Wilkey (ID)
Joseph M. Wilson, II (WA)
Joseph A. Wilson, Sr. (MA)
Jefferson Yazzie (NM)
Michael A. Zuke, Sr. (NY)

The drivers were included in docket numbers FMCSA–2015–0343; FMCSA–2016–0034. Their exemptions are applicable as of April 16, 2018, and will expire on April 16, 2020.

As of April 27, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following eight individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (77 FR 13686; 77 FR 25227; 81 FR 85317):

Bobby D. Bennett (GA)

Mark S. Clemence (KS)

Mike W. Holland (IL)

Dan M. McAllister (WI)

Paul F. Rivers (MN)

Marcus V. Romo (ID)

Wayne L. Snyder (OH)

Justin K. Zimmerschied (KS)

The drivers were included in docket number FMCSA–2011–0383. Their exemptions are applicable as of April 27, 2018, and will expire on April 27, 2020.

As of April 30, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (79 FR 10612; 79 FR 14579; 79 FR 27685; 79 FR 28590; 81 FR 85317): Charles L. Bryant, (PA); Christopher P. Martin, (NH).

The drivers were included in docket numbers FMCSA–2014–0012; FMCSA–2014–0013. Their exemptions are applicable as of April 30, 2018, and will expire on April 30, 2020.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: June 11, 2018

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–12988 Filed 6–15–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2015–0328]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 3 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before July 18, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2012–0322; FMCSA–2013–0122; FMCSA–20130123; FMCSA–2015–0329; and FMCSA–13–0124 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey

Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: 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.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding hearing found in 49 CFR 391.41(b)(11) states that a person is physically qualified to driver a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

49 CFR 391.41(b)(11) was adopted in 1970, with a revision in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

The 3 individuals listed in this notice have requested renewal of their exemptions from the hearing standard in 49 CFR 391.41(b)(11), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315, each of the 19 applicants has satisfied the renewal conditions for obtaining an exemption from the hearing requirement. The 19 drivers in this notice remain in good standing with the Agency. In addition, for Commercial Driver's License (CDL) holders, the Commercial Driver's License Information System (CDLIS) and the Motor Carrier Management Information System (MCMIS) are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency (SDLA). These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each of these drivers for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

As of May 18, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 3 individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

Tom Buretz, (FL); James Dalrymple, (AZ); and Derron Washington. (IL).

The drivers were included in docket number FMCSA–2015–0328. Their exemptions are applicable as of May 18, 2018, and will expire on May 18, 2020.

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must report any crashes or accidents as defined in 49 CFR 390.5; and (2) report all citations and convictions for disqualifying offenses under 49 CFR part 383 and 49 CFR 391 to FMCSA; and (3) each driver prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. In addition, the exemption does not exempt the individual from meeting the applicable CDL testing requirements. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 19 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the hearing requirement in 49 CFR 391.41 (b)(11). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: June 11, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–13013 Filed 6–15–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0012]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 12 individuals for an exemption from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions will enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Comments must be received on or before July 18, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2018–0012 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: 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.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The 12 individuals listed in this notice have requested an exemption from the vision requirement in 49 CFR 391.41(b)(10). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal Meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

In July 1992, the Agency first published the criteria for the Vision Waiver Program, which listed the conditions and reporting standards that CMV drivers approved for participation would need to meet (Qualification of Drivers; Vision Waivers, 57 FR 31458, July 16, 1992). The current Vision Exemption Program was established in 1998, following the enactment of amendments to the statutes governing exemptions made by § 4007 of the Transportation Equity Act for the 21st Century (TEA–21), Public Law 105–178, 112 Stat. 107, 401 (June 9, 1998). Vision exemptions are considered under the procedures established in 49 CFR part 381 subpart C, on a case-by-case basis upon application by CMV drivers who do not meet the vision standards of 49 CFR 391.41(b)(10).

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past three years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at Docket Number FMCSA–1998–3637.

FMCSA believes it can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrated the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber,

Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used three consecutive years of data, comparing the experiences of drivers in the first two years with their experiences in the final year.

II. Qualifications of Applicants

Mark F. Besco

Mr. Besco, 27, has had a macular scar in his right eye since childhood. The visual acuity in his right eye is 20/100, and in his left eye, 20/20. Following an examination in 2018, his ophthalmologist stated, ''He has no color deficiency in either eye and in our professional medical opinion he has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Besco reported that he has driven straight trucks for two years, accumulating 13,000 miles, and tractor-trailer combinations for two years, accumulating 20,000 miles. He holds a Class A CDL from Iowa. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

William T. Cummins

Mr. Cummins, 71, has complete loss of vision in his right eye due to a traumatic incident in 1979. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2018, his optometrist stated, ''It is my medical opinion that Mr. Cummins has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Cummins reported that he has driven straight trucks for 15 years, accumulating 37,500 miles, and tractor-trailer combinations for 25 years, accumulating 1.56 million miles. He holds a Class DMA CDL from Kentucky. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Aaron L. Fox

Mr. Fox, 34, had his left eye enucleated due to toxoplasmosis in childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2017, his ophthalmologist stated, ''I believe that Mr. Fox has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Fox reported that he has driven straight trucks for nine years, accumulating 450,000 miles and tractor-trailer combinations for one year, accumulating 117,000 miles. He holds a Class A CDL from Ohio. His driving record for the last three years shows one crash, for which he was not cited, and no convictions for moving violations in a CMV.

Ryan N. Goyne

Mr. Goyne, 37, has retinal scarring in his left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2018, his optometrist stated, ''I feel Mr. Goyne has adequate vision to perform tasks required to operate a commercial vehicle.''

Mr. Goyne reported that he has driven straight trucks for six years, accumulating 36,000 miles. He holds an operator's license from Arkansas. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Eric M. Kohrs

Mr. Kohrs, 26, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/150, and in his left eye, 20/20. Following an examination in 2018, his optometrist stated, ''In my opinion, given Eric's total visual field OU and BCVA OU Eric should be able to perform the required visual tasks to operate a commercial vehicle.'' Mr. Kohrs reported that he has driven straight trucks for four years, accumulating 10,400 miles. He holds an operator's license from Illinois. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Michael P. Mazza

Mr. Mazza, 51, has had a macular scar in his left eye since birth. The visual acuity in his right eye is 20/10, and in his left eye, 20/150. Following an examination in 2018, his optometrist stated, ''Mr. Mazza has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Mazza reported that he has driven straight trucks for 32 years, accumulating 1.6 million miles and tractor-trailer combinations for 16 years, accumulating 800,000 miles. He holds a Class A CDL from Washington. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

James L. Okonek

Mr. Okonek, 54, had his left eye enucleated due to a tumor in 2006. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2017, his optometrist stated, ''It is my medical opinion that Mr. Okonek has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Okonek reported that he has driven straight trucks for 14 years, accumulating 1.82 million miles, tractor-trailer combinations for five years, accumulating 50,000 miles, and buses for five years, accumulating 60,000 miles. He holds a Class ABCDM CDL from Wisconsin. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Jeffrey S. Rockhill

Mr. Rockhill, 37, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/400, and in his left eye, 20/20. Following an examination in 2018, his optometrist stated, ''Jeff has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Rockhill reported that he has driven straight trucks for 17 years, accumulating 34,000 miles, and tractor-trailer combinations for 17 years, accumulating 51,000 miles. He holds a Class A CDL from Kansas. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Travis D. Summerville

Mr. Summerville, 38, has aphakia in his left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/20, and in his left eye, hand motion. Following an examination in 2018, his optometrist stated, ''Mr. Summerville has sufficient vision to operate a commercial vehicle.'' Mr. Summerville reported that he has driven straight trucks for three years, accumulating 50,400 miles. He holds an operator's license from Illinois. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Lora D. Swindall

Ms. Swindall, 50, has had amblyopia in her right eye since birth. The visual acuity in her right eye is 20/200, and in her left eye, 20/20. Following an examination in 2018, her optometrist stated, ''In my medical opinion, Ms. Swindall's vision is sufficient for safely operating a motorized commercial vehicle.'' Ms. Swindall reported that she has driven straight trucks for 12 years,

accumulating 300,000 miles, and tractor-trailer combinations for 12 years, accumulating 780,000 miles. She holds a Class AM CDL from Alabama. Her driving record for the last three years shows one crash, which she was not cited for, and no convictions for moving violations in a CMV.

Francis J. Toth

Mr. Toth, 61, has complete loss of vision in his left eye due to a traumatic incident in 2012. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2017, his ophthalmologist stated, ''In my professional opinion, Mr. Toth does have sufficient vision to perform the driving test required to operate a commercial vehicle.'' Mr. Toth reported that he has driven tractor-trailer combinations for 38 years, accumulating 2.85 million miles. He holds an operator's license from Pennsylvania. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Joseph A. Zaccaro

Mr. Zaccaro, 77, has had a chorioretinal scar in his left eye since 1992. The visual acuity in his right eye is 20/30, and in his left eye, 20/300. Following an examination in 2018, his ophthalmologist stated, ''In Dr. Mock's professional opinion, the patient has sufficient vision to operated [*sic*] a commercial vehicle.'' Mr. Zaccaro reported that he has driven straight trucks for 40 years, accumulating 600,000 miles, and tractor-trailer combinations for 40 years, accumulating 600,000 miles. He holds a Class A CDL from Alabama. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments and material received before the close of business on the closing date indicated in the dates section of the notice.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0012 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0012 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: June 11, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–13007 Filed 6–15–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0008]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 17 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. They are unable to meet the vision requirement in one eye for various reasons. The exemptions enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: The exemptions were applicable on May 10, 2018. The exemptions expire on May 10, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: 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.*

II. Background

On April 9, 2018, FMCSA published a notice announcing receipt of applications from 17 individuals requesting an exemption from vision requirement in 49 CFR 391.41(b)(10) and requested comments from the public (83 FR 15216). The public comment period ended on May 9, 2018, and one comment was received.

FMCSA has evaluated the eligibility of these applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if

that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received one comment in this proceeding. Vicky Johnson, from Minnesota Driver Vehicle Services (DVS), commented on Paul R. Rivers. He does not hold a Vision federal exemption and is not listed as one of the applicants on this **Federal Register**.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision standard in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows applicants to operate CMVs in interstate commerce.

The Agency's decision regarding these exemption applications is based on medical reports about the applicants' vision as well as their driving records and experience driving with the vision deficiency. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the April 9, 2018, **Federal Register** notice (83 FR 15216) and will not be repeated in this notice.

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their limitation and demonstrated their ability to drive safely. The 17 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including amblyopia, cataract, corneal scarring, macular cyst, optic neuropathy, retinal ischemia, retinopathy. In most cases, their eye conditions were not recently developed. 13 of the applicants were either born with their vision impairments or have had them since childhood. The four individuals that sustained their vision conditions as adults have had it for a range of 3 to 32 years. Although each applicant has one eye which does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV.

Doctors' opinions are supported by the applicants' possession of a valid license to operate a CMV. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions.

The applicants in this notice have driven CMVs with their limited vision in careers ranging for 4 to 72 years. In the past three years, no drivers were involved in crashes, and no drivers were convicted of moving violations in CMV. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

Consequently, FMCSA finds that in each case exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10) and (b) by a certified Medical Examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 17 exemption applications, FMCSA exempts the following drivers from the vision requirement, 49 CFR 391.41(b)(10), subject to the requirements cited above:

Leobardo Antunez (WA)
Jason P. Dostal (IN)
John C. Duncan (NY)
Kenneth M. Emerson (ID)
Michael C. Farley (FL)
Steven W. Kyman (OR)
Jeffrey T. Landry (NC)
David A. Margetson (MI)
Trent C. McCain (KS)
David M. McCarty (OR)
Jeffrey W. Pike, Jr. (MN)
Jess C. Sanchez (TX)
Ermanno M Santucci (IL)
John R.A. Taylor (VA)
Justin L. Tidyman (AR)
Raul Torres Malaga (FL)
Timothy Tucker (KY)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: June 11, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–13005 Filed 6–15–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1998–4334; FMCSA–1999–6156; FMCSA–2001–11426; FMCSA–2003–16564; FMCSA–2005–22194; FMCSA–2006–23773; FMCSA–2006–24015; FMCSA–2006–24783; FMCSA–2007–0017; FMCSA–2007–0071; FMCSA–2008–0021; FMCSA–2009–0011; FMCSA–2009–0086; FMCSA–2010–0050; FMCSA–2010–0082; FMCSA–2011–0092; FMCSA–2011–0299; FMCSA–2011–0366; FMCSA–2011–0379; FMCSA–2012–0039; FMCSA–2012–0104; FMCSA–2012–0106; FMCSA–2013–0029; FMCSA–2013–0165; FMCSA–2013–0166; FMCSA–2013–0168; FMCSA–2013–0174; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2014–0005; FMCSA–2014–0006; FMCSA–2015–0056; FMCSA–2015–0070; FMCSA–2015–0350; FMCSA–2015–0351; FMCSA–2016–0024; FMCSA–2016–0027; FMCSA–2016–0028; FMCSA–2016–0029; FMCSA–2016–0347]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 114 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirements in one eye.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before July 18, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–1998–4334; FMCSA–1999–6156; FMCSA–2001–11426; FMCSA–2003–16564; FMCSA–2005–22194; FMCSA–2006–23773; FMCSA–2006–24015; FMCSA–2006–24783; FMCSA–2007–0017; FMCSA–2007–0071; FMCSA–2008–0021; FMCSA–2009–0011; FMCSA–2009–0086; FMCSA–2010–0050; FMCSA–2010–0082; FMCSA–2011–0092; FMCSA–2011–0299; FMCSA–2011–0366; FMCSA–2011–0379; FMCSA–2012–0039; FMCSA–2012–0104; FMCSA–2012–0106; FMCSA–2013–0029; FMCSA–2013–0165; FMCSA–2013–0166; FMCSA–2013–0168; FMCSA–2013–0174; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2014–0005; FMCSA–2014–0006; FMCSA–2015–0056; FMCSA–2015–0070; FMCSA–2015–0350; FMCSA–2015–0351; FMCSA–2016–0024; FMCSA–2016–0027; FMCSA–2016–0028; FMCSA–2016–0029; FMCSA–2016–0347 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, E.T., 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: 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.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

The 114 individuals listed in this notice have requested renewal of their exemptions from the vision standard in 49 CFR 391.41(b)(10), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date

and may be renewed upon application. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 114 applicants has satisfied the renewal conditions for obtaining an exemption from the vision requirement (63 FR 66226; 64 FR 16517; 64 FR 54948; 65 FR 159; 66 FR 41656; 67 FR 10471; 67 FR 10475; 67 FR 19798; 68 FR 44837; 68 FR 74699; 69 FR 8260; 69 FR 10503; 69 FR 19611; 70 FR 41811; 70 FR 57353; 70 FR 72689; 71 FR 6824; 71 FR 6826; 71 FR 6829; 71 FR 14566; 71 FR 14567; 71 FR 16410; 71 FR 19602; 71 FR 26602; 71 FR 30227; 71 FR 30229; 71 FR 32183; 71 FR 41310; 72 FR 62896; 72 FR 67340; 73 FR 1395; 73 FR 6242; 73 FR 11989; 73 FR 15567; 73 FR 16950; 73 FR 27014; 73 FR 27015; 73 FR 27018; 73 FR 28187; 73 FR 36955; 74 FR 19267; 74 FR 28094; 74 FR 43221; 74 FR 65845; 75 FR 9477; 75 FR 9480; 75 FR 9481; 75 FR 13653; 75 FR 14656; 75 FR 19674; 75 FR 20881; 75 FR 22176; 75 FR 22178; 75 FR 25917; 75 FR 25918; 75 FR 27622; 75 FR 28682; 75 FR 36778; 75 FR 36779; 75 FR 39729; 76 FR 25766; 76 FR 37885; 76 FR 44652; 76 FR 53708; 76 FR 73769; 76 FR 78728; 77 FR 3547; 77 FR 5874; 77 FR 13689; 77 FR 15184; 77 FR 17107; 77 FR 17108; 77 FR 17115; 77 FR 17117; 77 FR 20879; 77 FR 23797; 77 FR 26816; 77 FR 27847; 77 FR 27850; 77 FR 29447; 77 FR 31427; 77 FR 33017; 77 FR 36338; 77 FR 38384; 77 FR 38386; 77 FR 44708; 78 FR 34143; 78 FR 47818; 78 FR 52602; 78 FR 62935; 78 FR 63302; 78 FR 63307; 78 FR 76395; 78 FR 76704; 78 FR 76705; 78 FR 77780; 78 FR 78477; 79 FR 1908; 79 FR 2248; 79 FR 10606; 79 FR 13085; 79 FR 14328; 79 FR 14331; 79 FR 14333; 79 FR 14571; 79 FR 17641; 79 FR 18391; 79 FR 18392; 79 FR 21996; 79 FR 22003; 79 FR 23797; 79 FR 27043; 79 FR 27681; 79 FR 28588; 79 FR 29495; 79 FR 29498; 79 FR 35212; 79 FR 35218; 79 FR 35220; 79 FR 37843; 79 FR 38649; 79 FR 38661; 79 FR 47175; 80 FR 59230; 80 FR 67476; 80 FR 67481; 80 FR 80443; 81 FR 1284; 81 FR 1474; 81 FR 14190; 81 FR 15401; 81 FR 15404; 81 FR 17237; 81 FR 20433; 81 FR 20435; 81 FR 21655; 81 FR 26305; 81 FR 28138; 81 FR 39100; 81 FR 39320; 81 FR 42054; 81 FR 48493; 81 FR 52516; 81 FR 66718; 81 FR 66720; 81 FR 66722; 81 FR 66724; 81 FR 81230; 81 FR 90050; 81 FR 91239; 81 FR 96196). They have submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two-years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of July and are discussed below:

As of July 8, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 57 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (63 FR 66226; 64 FR 16517; 66 FR 41656; 68 FR 44837; 68 FR 74699; 69 FR 10503; 70 FR 41811; 70 FR 57353; 70 FR 72689; 71 FR 6826; 71 FR 14566; 71 FR 16410; 71 FR 19602; 71 FR 30227; 72 FR 62896; 72 FR 67340; 73 FR 1395; 73 FR 6242; 73 FR 11989; 73 FR 15567; 73 FR 16950; 73 FR 27014; 73 FR 27015; 74 FR 19267; 74 FR 28094; 74 FR 43221; 74 FR 65845; 75 FR 9477; 75 FR 9480; 75 FR 13653; 75 FR 14656; 75 FR 19674; 75 FR 20881; 75 FR 22176; 75 FR 27622; 75 FR 28682; 76 FR 25766; 76 FR 37885; 76 FR 44652; 76 FR 53708; 76 FR 73769; 76 FR 78728; 77 FR 3547; 77 FR 5874; 77 FR 13689; 77 FR 15184; 77 FR 17107; 77 FR 17108; 77 FR 17115; 77 FR 17117; 77 FR 20879; 77 FR 23797; 77 FR 26816; 77 FR 27847; 77 FR 27850; 77 FR 29447; 77 FR 31427; 77 FR 38386; 78 FR 34143; 78 FR 47818; 78 FR 52602; 78 FR 62935; 78 FR 63302; 78 FR 63307; 78 FR 76395; 78 FR 76704; 78 FR 76705; 78 FR 77780; 78 FR 78477; 79 FR 1908; 79 FR 2248; 79 FR 10606; 79 FR 13085; 79 FR 14328; 79 FR 14331; 79 FR 14333; 79 FR 14571; 79 FR 17641; 79 FR 18391; 79 FR 18392; 79 FR 21996; 79 FR 22003; 79 FR 23797; 79 FR 27043; 79 FR 27681; 79 FR 28588; 79 FR 29495; 79 FR 29498; 79 FR 38649; 80 FR 59230; 80 FR 67476; 80 FR 67481; 80 FR 80443; 81 FR 1284; 81 FR 1474; 81 FR 14190; 81 FR 15401; 81 FR 15404; 81 FR 17237; 81 FR 20433; 81 FR 20435; 81 FR 21655; 81 FR 26305; 81 FR 28138; 81 FR 39100; 81 FR 48493; 81 FR 52516; 81 FR 66718; 81 FR 66724; 81 FR 91239; 81 FR 96196):

Dean R. Allen (OR)
Scott E. Ames (ME)
Alan A. Andrews (NE)
Marvin D. Bass (KY)
Dwight A. Bennett (MD)
Marvin J. Bensend, Jr. (MS)
Kolby Blackner (UT)
Bobby R. Brooks (GA)
Levi A. Brown (MT)
William Bucaria, Jr. (FL)
John A. Carroll, Jr. (AL)
Juan Castanon (NM)
William C. Christy (FL)
Gerard J. Cormier (MA)
Michael T. Craddock (CA)
Jon C. Dillon (MN)
Paul W. Fettig (SD)
Hector O. Flores (MD)
Brian R. Gallagher (TX)
Horace N. Goss (TX)
James B. Grega (PA)
Todd C. Grider (IN)
Jimmy G. Hall (NC)
Taras G. Hamilton (TX)
Joshua G. Hansen (ID)
Britt D. Hazelwood (IL)
Lowell E. Jackson (MO)
William D. Jackson (MN)
Danny J. Johnson (MN)
Glenn K. Johnson, Jr. (NC)
Thomas M. Kaley (PA)
Allen J. Kunze (ND)
Kerry M. Leeper (WA)
Craig R. Martin (TX)
Ty N. Mason (PA)
Thomas J. Mavraganis (IL)
Eric M. Moats, Sr. (MD)
Gary T. Murray (GA)
Elmore Nicholson, Jr. (AL)
Thomas G. Ohlson (NY)
Michael Pace (TX)
Raffaelo Petrillo (NJ)
Barry L. Pylant (GA)
Roy A. Quesada (PA)
Jamey D. Reed (OK)
Glennis R. Reynolds (KY)
Jose H. Rivas (NM)
Joe A. Root (MN)
Bobby W. Sanders (TN)
James S. Seeno (NV)
Thomas W. Smith (PA)
Harry Smith, Jr. (NC)
Greg W. Story (NC)
Elston L. Taylor (VA)
Michael J. Tisher (AK)
Dwight Tullis (IL)
Richard W. Wylie (CT)

The drivers were included in docket numbers FMCSA–1998–4334; FMCSA–2003–16564; FMCSA–2005–22194; FMCSA–2006–23773; FMCSA–2006–24015; FMCSA–2007–0017; FMCSA–2007–0071; FMCSA–2008–0021; FMCSA–2009–0011; FMCSA–2009–0086; FMCSA–2010–0050; FMCSA–2011–0092; FMCSA–2011–0299; FMCSA–2011–0366; FMCSA–2011–0379; FMCSA–2012–0039; FMCSA–2012–0104; FMCSA–2013–0029; FMCSA–2013–0165; FMCSA–2013–0166; FMCSA–2013–0168; FMCSA–2013–0174; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2014–0005; FMCSA–2015–0056; FMCSA–2015–0070; FMCSA–2015–0350; FMCSA–2015–0351; FMCSA–2016–0024; FMCSA–2016–0027; FMCSA–2016–0347. Their exemptions are applicable as of July 8, 2018, and will expire on July 8, 2020.

As of July 12, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following five individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (75 FR 9481; 75 FR 22178; 75 FR 25917; 75 FR 25918; 75 FR 39729; 77 FR 36338; 79 FR 35220; 81 FR 81230; 81 FR 96196):

Clare H. Buxton (MI)
Chadwick S. Chambers (AL)
Miguel H. Espinoza (CA)
Ricky P. Hastings (TX)
Leland B. Moss (VT)

The drivers were included in docket numbers FMCSA–2009–0011; FMCSA–2010–0082. Their exemptions are applicable as of July 12, 2018, and will expire on July 12, 2020.

As of July 19, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 16 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (81 FR 39320; 81 FR 66720):

John P. Brooks (IL)
Ronald A. Donsbach (MT)
Pedro Guzman (TX)
Bradley C. Helsel (OR)
Darrell E. Hunter (NC)
Kenneth B. Julian (OK)
Keith Kebschull (IL)
Jeffrey N. Lake (IL)
Jayme M. Leonard (VT)
James K. Matthey (PA)
Mario A. Quezada (TX)
J. B. Rodriguez Mata (TX)
Joseph Sais (NM)
Chad M. Smith (IA)
Corey L. Spring (AR)
James C. Wechsler (OR)

The drivers were included in docket number FMCSA–2016–0028. Their exemptions are applicable as of July 19, 2018, and will expire on July 19, 2020.

As of July 20, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (64 FR 54948; 65 FR 159; 67 FR 10471; 67 FR 10475; 67 FR 19798; 68 FR 74699; 69 FR 8260; 69 FR 10503; 69 FR 19611; 71 FR 6824; 71 FR 6829; 71 FR 14567; 71 FR 26602; 71 FR 30229; 71 FR 32183; 71 FR 41310; 73 FR 11989; 73 FR 27018; 73 FR 28187; 73 FR 36955; 75 FR 36778; 75 FR 36779; 77 FR 38384; 79 FR 35212; 79 FR 35218; 79 FR 47175; 81 FR 90050; 81 FR 96196):

Daniel R. Franks (OH)
Walter D. Hague, Jr. (VA)
William G. Hix (AR)
Larry L. Jarvis (VA)
Clarence H. Jacobsma (IN)
Charles E. Johnston (MO)
William F. Mack (WA)
Ronald M. Price (MD)
Alton M. Rutherford (FL)

The drivers were included in docket numbers FMCSA–1999–6156; FMCSA 2001–11426; FMCSA 2003–16564; FMCSA 2006–24015; FMCSA 2006–24783; FMCSA 2014–0006. Their exemptions are applicable as of July 20, 2018, and will expire on July 20, 2020.

As of July 22, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (79 FR 35212; 79 FR 47175; 81 FR 96196):

Abdulahi Abukar (KY)
Gregory K. Banister (SC)
Amanuel W. Behon (WA)
Brian L. Elliott (MO)
Bradley C. Hansell (OR)
Samuel L. Klaphake (MN)
Timothy L. Klose (PA)
Phillip E. Mason (MO)
Ruel W. Reed (IA)
Loren Smith (SD)
Seth D. Sweeten (ID)

The drivers were included in docket number FMCSA–2016–0006. Their exemptions are applicable as of July 22, 2018, and will expire on July 22, 2020.

As of July 29, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following ten individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (81 FR 42054; 81 FR 66722):

Dudley G. Diebold (CT)
David L. Evers (MN)
Raymond E. Hogue (PA)
Michael E. Jones (IL)
Darius R. Law (FL)
Robert C. Martin (WA)
Mark W. McTaggart (IL)
Noel V. Munoz (NM)
Ivan Romero (IL)
Steve A. Taylor (NC)

The drivers were included in docket number FMCSA–2016–0029. Their exemptions are applicable as of July 29, 2018, and will expire on July 29, 2020.

As of July 30, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following six individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (71 FR 32183; 71 FR 41310; 73 FR 36955; 75 FR 25917; 75 FR 36779; 75 FR 39729; 77 FR 33017; 77 FR 36338; 77 FR 38384; 77 FR 44708; 79 FR 37843; 79 FR 38661; 81 FR 96196):

Lester M. Ellingson, Jr. (ND)
Damon G. Gallardo (CA)
Daniel L. Grover (KS)
Larry A. Nienhuis (MI)
Gregory A. Reinert (MN)
Joseph B. Shaw, Jr. (VA)

The drivers were included in docket numbers FMCSA–2006–24783; FMCSA–2010–0082; FCMSA–2012–0106. Their exemptions are applicable as of July 30, 2018, and will expire on July 30, 2020.

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must undergo an annual physical examination (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a certified Medical Examiner, as defined by 49 CFR 390.5, who attests that the driver is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file or keep a copy of his/her driver's qualification if he/her is self- employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 114 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above. In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: June 11, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–13001 Filed 6–15–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0007]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 13 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. They are unable to meet the vision requirement in one eye for various reasons. The exemptions enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: The exemptions were applicable on May 10, 2018. The exemptions expire on May 10, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: 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.*

II. Background

On April 9, 2018, FMCSA published a notice announcing receipt of applications from 13 individuals requesting an exemption from vision requirement in 49 CFR 391.41(b)(10) and requested comments from the public (83 FR 15214). The public comment period ended on May 9, 2018, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision standard in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows applicants to operate CMVs in interstate commerce.

The Agency's decision regarding these exemption applications is based on medical reports about the applicants' vision as well as their driving records and experience driving with the vision deficiency. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the April 9, 2018, **Federal Register** notice (83 FR 15214) and will not be repeated in this notice.

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their limitation and demonstrated their ability to drive safely. The 13 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including amblyopia, central retinal artery occlusion, central vein occlusion, complete loss of vision, optic nerve damage, prosthesis, retinal scar, and scleral laceration. In most cases, their eye conditions were not recently developed. Eight of the applicants were either born with their vision impairments or have had them since childhood. The five individuals that sustained their vision conditions as adults have had it for a range of 2 to 10 years. Although each applicant has one eye which does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV.

Doctors' opinions are supported by the applicants' possession of a valid license to operate a CMV. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions.

The applicants in this notice have driven CMVs with their limited vision in careers ranging for 3 to 61 years. In the past three years, no drivers were involved in crashes, and one driver was convicted of a moving violation in a CMV. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision

deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

Consequently, FMCSA finds that in each case exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10) and (b) by a certified Medical Examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 13 exemption applications, FMCSA exempts the following drivers from the vision requirement, 49 CFR 391.41(b)(10), subject to the requirements cited above:

Ahmed Abukhatwa (MI)
James A. Barlow (OH)
Thomas R. Danser (PA)
Jerome DeFabo, Jr. (PA)
Jorge Gonzales (FL)
Jimmy D. Johnson (MS)
Michael S. Mai (KS)
Jose M. Rios (NY)
Michael B. Sauseda (IL)
Steven D. Schlichting (NE)
Jesse P. Schuster (ND)
Joseph L. Smith (WV)
Larry L. Stewart (NC)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: June 11, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–13008 Filed 6–15–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2018–0023]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 46 individuals from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on May 10, 2018. The exemptions expire on May 10, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: 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.*

II. Background

On April 9, 2018, FMCSA published a notice announcing receipt of applications from 46 individuals requesting an exemption from diabetes requirement in 49 CFR 391.41(b)(3) and requested comments from the public (83 FR 15225). The public comment period ended on May 9, 2018, and one comment was received.

FMCSA has evaluated the eligibility of these applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

III. Discussion of Comments

FMCSA received one comments in this proceeding. Mr. Norman Le Doux Sr. stated his company supports Mr. Daniel Howell receiving his Federal diabetes exemption.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes standard in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

The Agency's decision regarding these exemption applications is based on the program eligibility criteria and an individualized assessment of information submitted by each applicant. The qualifications, experience, and medical condition of

each applicant were stated and discussed in detail in the April 9, 2018, **Federal Register** notice (83 FR 15225) and will not be repeated in this notice.

These 46 applicants have had ITDM over a range of 1 to 28 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the past five years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) each driver must report within two business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keeping a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 46 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above:

Mark G. Albertson (NY)
Duane L. Barrett (AL)
Marvin L. Bodey (TX)
Kevin A. Cardona (NY)
James W. Carlson (WI)
Kyle E. Caswell (MA)
Nathaniel W. Curry (NC)
Henry H. Daugherty (PA)
Victor D. Davis (DE)
Todd E. Dawson (MI)
James A. Denmark (GA)
John V. Dobrowski (NH)
Michael W. Driggers (SC)
Michael J. Duffey (VA)
Timothy L. Ebbers (IL)
Alfred K. Estes (WI)
Travis L. Gelbrich (OR)
Wyllshaun A. Gipson (ME)
Adam K. Graham (PA)
Nicholas D. Haggerty (WV)
John A. Hayes (NY)
Dennis R. Henry (TX)
Kenneth R. Henry (TX)
Robert T. Holcombe (TN)
Richard P. Houle (WA)
Daniel S. Howell (PA)
Christopher S. Justice (NC)
William T. Kribell (SD)
Jason A. Lantz (MN)
Dennis A. Lightbown (CO)
Anthony L. Maita (PA)
Robert M. Matthies (MA)
James J.P. May (CA)
Dale H.N. McCann (PA)
James L. Morgan, Jr. (NC)
William L. Nicklas (PA)
Lorenzo E. Romo (TX)
Dennis K. Rottenbucher (SD)
Gregory Schembri (PA)
Douglas R. Schrader (WI)
Ethan J. Stewmon (TN)
Charles F. Stockton (MO)
Michael E. Thomas (NE)
Benjamin D. Utoft (IA)
Cassandra D. Waters (MD)
Daniel J. Welch (MI)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Issued on: June 11, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–13009 Filed 6–15–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2012–0322; FMCSA–2013–0122; FMCSA–2013–0123; FMCSA–2015–0329; FMCSA–2013–0124]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 19 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before July 18, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2012–0322; FMCSA–2013–0122; FMCSA–2013–0123; FMCSA–2015–0329; and FMCSA–13–0124 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: 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*.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding hearing found in 49 CFR 391.41(b)(11) states that a person is physically qualified to driver a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

49 CFR 391.41(b)(11) was adopted in 1970, with a revision in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

The 19 individuals listed in this notice have requested renewal of their exemptions from the hearing standard in 49 CFR 391.41(b)(11), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315, each of the 19 applicants has satisfied the renewal conditions for obtaining an exemption from the hearing requirement. The 19 drivers in this notice remain in good standing with the Agency. In addition, for Commercial Driver's License (CDL) holders, the Commercial Driver's License Information System (CDLIS) and the Motor Carrier Management Information System (MCMIS) are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency (SDLA). These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each of these drivers for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

As of April 23, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 2 individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

Donald Lynch (SC); and Zachery Rietz (TX).

The drivers were included in docket number FMCSA–2012–0322. Their exemptions are applicable as of April 23, 2018, and will expire on April 23, 2020.

As of April 21, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSs for interstate CMV drivers:

Andrew Alcozer (IL)
Michael Beebe (NJ)
Shayne Bumbalough (WA)
Barry Carpenter (SC)
Roman Landa (CA)
Bryan McFarland (OH)
Jacob Paulin (WI)
Ryan Pope (CA)
Ronald Rutter (CA)
Fernando R. Savon (TX)
Russel Smith (OH)

The drivers were included in docket number FMCSA–2013–0122. Their exemptions are applicable as of April 21, 2018, and will expire on April 21, 2020.

As of April 27, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 3 individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSs for interstate CMV drivers.

Tonya Bland (MD); Glenn Ferguson (TX); and Michael McCarthy.

The drivers were included in docket number FMCSA–2015–0329. Their exemptions are applicable as of April 17, 2018, and will expire on April 17, 2020.

As of April 24, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 3 individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSs for interstate CMV drivers.

Kwinton Carpenter (OH); Darren Norquist (WI); and Andrey Shevchenko (MN).

The drivers were included in docket number FMCSA–2013–0124. Their exemptions are applicable as of April

24, 2018, and will expire on April 24, 2020.

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must report any crashes or accidents as defined in 49 CFR 390.5; and (2) report all citations and convictions for disqualifying offenses under 49 CFR part 383 and 49 CFR 391 to FMCSA; and (3) each driver prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. In addition, the exemption does not exempt the individual from meeting the applicable CDL testing requirements. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 19 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the hearing requirement in 49 CFR 391.41 (b)(11). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: June 11, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–13014 Filed 6–15–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1999–6480; FMCSA–2000–7363; FMCSA–2001–10578; FMCSA–2003–15892; FMCSA–2003–16564; FMCSA–2004–17195; FMCSA–2005–23099; FMCSA–2006–24015; FMCSA–2007–0071; FMCSA–2007–26653; FMCSA–2007–27897; FMCSA–2007–28695; FMCSA–2008–0021; FMCSA–2009–0303; FMCSA–2009–0321; FMCSA–2010–0050; FMCSA–2011–0324; FMCSA–2011–0365; FMCSA–2011–0366; FMCSA–2011–0378; FMCSA–2011–0379; FMCSA–2011–0380; FMCSA–2012–0040; FMCSA–2012–0104; FMCSA–2013–0029; FMCSA–2013–0030; FMCSA–2013–0165; FMCSA–2013–0167; FMCSA–2013–0168; FMCSA–2013–0170; FMCSA–2013–0174; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2015–0070; FMCSA–2015–0071; FMCSA–2015–0072; FMCSA–2015–0344; FMCSA–2015–0347; FMCSA–2015–0348; FMCSA–2015–0350; FMCSA–2015–0351; FMCSA–2016–0024; FMCSA–2016–0025; FMCSA–2016–0027]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 95 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirements in one eye.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before July 18, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–1999–6480; FMCSA–2000–7363; FMCSA–2001–10578; FMCSA–2003–15892; FMCSA–2003–16564; FMCSA–2004–17195; FMCSA–2005–23099; FMCSA–2006–24015; FMCSA–2007–0071; FMCSA–2007–26653; FMCSA–2007–27897; FMCSA–2007–28695; FMCSA–2008–0021; FMCSA–2009–0303; FMCSA–2009–0321; FMCSA–2010–0050; FMCSA–2011–0324; FMCSA–2011–0365; FMCSA–2011–0366; FMCSA–2011–0378; FMCSA–2011–0379; FMCSA–2011–0380; FMCSA–2012–0040; FMCSA–2012–0104; FMCSA–2013–0029; FMCSA–2013–0030; FMCSA–2013–0165; FMCSA–2013–0167; FMCSA–2013–0168; FMCSA–2013–0170; FMCSA–2013–0174; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2015–0070; FMCSA–2015–0071; FMCSA–2015–0072; FMCSA–2015–0344; FMCSA–2015–0347; FMCSA–2015–0348; FMCSA–2015–0350; FMCSA–2015–0351; FMCSA–2016–0024; FMCSA–2016–0025; FMCSA–2016–0027 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, e.t., 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: 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.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001,

fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

The 95 individuals listed in this notice have requested renewal of their exemptions from the vision standard in 49 CFR 391.41(b)(10), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 95 applicants has satisfied the renewal conditions for obtaining an exemption from the vision requirement (64 FR 68195; 65 FR 20251; 65 FR 45817; 65 FR 77066; 66 FR 53826; 66 FR 66966; 67 FR 38311; 68 FR 1654; 68 FR 61860; 68 FR 69434; 68 FR 74699; 68 FR 75715; 69 FR 10503; 69 FR 17263; 69 FR 26921; 69 FR 31447; 70 FR 7545; 70 FR 74102; 71 FR 4194; 71 FR 6829; 71 FR 13450; 71 FR 14566; 71 FR 16410; 71 FR 27033; 71 FR 30227; 72 FR 8417; 72 FR 36099; 72 FR 39879; 72 FR 46261; 72 FR 52419; 72 FR 54972; 72 FR 71998; 73 FR 6242; 73 FR 8392; 73 FR 9158; 73 FR 11989; 73 FR 15567; 73 FR 16950; 73 FR 27014; 73 FR 27015; 73 FR 28186; 74 FR 34394; 74 FR 60021; 74 FR 60022; 74 FR 65846; 75 FR 1451; 75 FR 1835; 75 FR 4623; 75 FR 8184; 75 FR 9477; 75 FR 9482; 75 FR 9484; 75 FR 13653; 75 FR 14656; 75 FR 19674; 75 FR 27622; 75 FR 27623; 75 FR 28682; 76 FR 53708; 76 FR 70210; 76 FR 78729; 77 FR 3552; 77 FR 5874; 77 FR 7233; 77 FR 7657; 77 FR 10606; 77 FR 13689; 77 FR 13691; 77 FR 15184; 77 FR 17107; 77 FR 17109; 77 FR 17115; 77 FR 17117; 77 FR 19749; 77 FR 22059; 77 FR 22061; 77 FR 22838; 77 FR 23797; 77 FR 23799; 77 FR 26816; 77 FR 27845; 77 FR 27847; 77 FR 27849; 77 FR 27850; 77 FR 29447; 77 FR 33558; 77 FR 38386; 78 FR 34143; 78 FR 41975; 78 FR 47818; 78 FR 52602; 78 FR 56986; 78 FR 63302; 78 FR 63307; 78 FR 64271; 78 FR 66099; 78 FR 67454; 78 FR 67462; 78 FR 76705; 78 FR 77780; 79 FR 1908; 79 FR 2748; 79 FR 4803; 79 FR 10606; 79 FR 10607; 79 FR 10608; 79 FR 10609; 79 FR 10611; 79 FR 12565; 79 FR 13085; 79 FR 14328; 79 FR 14331; 79 FR 14333; 79 FR 14571; 79 FR 15794; 79 FR 17641; 79 FR 18391; 79 FR 18392; 79 FR 21996; 79 FR 22000; 79 FR 22003; 79 FR 23797; 79 FR 27043; 79 FR 27365; 79 FR 28588; 79 FR 29495; 79 FR 29498; 80 FR 59225; 80 FR 67472; 80 FR 67476; 80 FR 67481; 80 FR 70060; 80 FR 76345; 80 FR 80443; 81 FR 1474; 81 FR 6573; 81 FR 11642; 81 FR 14190; 81 FR 15404; 81 FR 16265; 81 FR 17237; 81 FR 20433; 81 FR 20435; 81 FR 21647; 81 FR 21655; 81 FR 26305; 81 FR 28136; 81 FR 28138; 81 FR 39100; 81 FR 48493; 81 FR 52516; 81 FR 60117; 81 FR 66718; 81 FR 66724; 81 FR 66731; 81 FR 91239). They have submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of June and are discussed below:

As of June 2, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 72 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (66 FR 53826; 66 FR 66966; 68 FR 61860; 68 FR 69434; 68 FR 74699; 68 FR 75715; 69 FR 10503; 71 FR 6829; 70 FR 74102; 71 FR 14566; 71 FR 16410; 71 FR 30227; 72 FR 8417; 72 FR 36099; 72 FR 39879; 72 FR 46261; 72 FR 52419; 72 FR 54972; 72 FR 71998; 73 FR 8392; 73 FR 11989; 73 FR 15567; 73 FR 27014; 73 FR 27015; 74 FR 34394; 74 FR 60021; 74 FR 65846; 75 FR 1451; 75 FR 1835; 75 FR 8184; 75 FR 9482; 75 FR 13653; 75 FR 19674; 75 FR 27622; 76 FR 53708; 76 FR 70210; 76 FR 78729; 77 FR 3552; 77 FR 5874; 77 FR 7233; 77 FR 7657; 77 FR 10606; 77 FR 13691; 77 FR 15184; 77 FR 17107; 77 FR 17115; 77 FR 17117; 77 FR 19749; 77 FR 22059; 77 FR 22061; 77 FR 22838; 77 FR 23797; 77 FR 26816; 77 FR 27850; 78 FR 34143; 78 FR 41975; 78 FR 47818; 78 FR 52602; 78 FR 56986; 78 FR 63302; 78 FR 63307; 78 FR 64271; 78 FR 66099; 78 FR 67454; 78 FR 67462; 78 FR 76705; 78 FR 77780; 79 FR 1908; 79 FR 2748; 79 FR 4803; 79 FR 10606; 79 FR 10607; 79 FR 10608; 79 FR 10609; 79 FR 10611; 79 FR 12565; 79 FR 13085; 79 FR 14328; 79 FR 14331; 79 FR 14333; 79 FR 14571; 79 FR 15794; 79 FR 17641; 79 FR 18391; 79 FR 18392; 79 FR 21996; 79 FR 22000; 79 FR 22003; 79 FR 23797; 79 FR 28588; 79 FR 29498; 80 FR 59225; 80 FR 67472; 80 FR 67476; 80 FR 67481; 80 FR 70060; 80 FR 76345; 80 FR 80443; 81 FR 1474; 81 FR 6573; 81 FR 11642; 81 FR 14190; 81 FR 15404; 81 FR 16265; 81 FR 17237; 81 FR 20433; 81 FR 20435; 81 FR 21647; 81 FR 21655; 81 FR 26305; 81 FR 28136; 81 FR 39100; 81 FR 48493; 81 FR 52516; 81 FR 60117; 81 FR 66718; 81 FR 66724; 81 FR 66731; 81 FR 91239):

Stanley W. Ahne (OK)
John M. Alfano (MI)

Felix Barajas Ramirez (IL)
Alphonso A. Barco (SC)
Daniel C. Berry (AR)
Ronald D. Boeve (MI)
David A. Brannon (FL)
Paul T. Browning (MT)
Samuel S. Byler (PA)
Darrell Canupp (MI)
Laurence R. Casey (MA)
Valentin S. Chernyy (NE)
William Chisley (MD)
Cody W. Christian (OK)
Lorimer Christianson (IA)
Darrin G. Davis (WI)
Craig L. Dawson (OH)
Eric DeFrancesco (PA)
Eric C. Dettrey (NJ)
David Diamond (IL)
Ryan C. Dugan (NY)
Shorty M. Ellis (NC)
Robin S. England (GA)
Richard R. Filion (VT)
Roger L. Frazier (NC)
Juan Gallo-Gomez (CT)
Gregory T. Garris (OK)
Andeberhan O. Gidey (WA)
Jerry L. Gray (AL)
James R. Hammond (OH)
Daniel W. Henderson (TN)
Michael T. Huso (MN)
Andy R. Junod (TX)
Chet A. Keen (UT)
Roger W. Kerns (IA)
James M. Knef (NJ)
David Knobloch (MI)
Dennis J. Lessard (IN)
Christopher B. Liston (TN)
Larry P. Magrath (MN)
Jason E. Mallette (MS)
Stanley B. Marshall (GA)
Roberto C. Mendez (TX)
Jack D. Miller (OH)
Eugene C. Murphy (FL)
Donald A. Orloski (PA)
James C. Paschal, Jr. (GA)
Juan C. Ramirez (OH)
John L. Ratayczak (WI)
Michael L. Robinson (MO)
Danny L. Rolfe (ME)
Ricky D. Rostad (MN)
John Rueckert (SD)
Mark A. Sanders (OK)
Daniel W. Schafer (PA)
Joseph W. Schmit (NE)
Dale L. Schneider (IA)
Lawrence W. Sellers (AL)
Larry W. Slinker (VA)
William T. Smiley (MD)
Richard M. Smith (CO)
Richard H. Solum (MN)
Scott R. Sorensen (CA)
James A. Spell (MD)
Harry J. Stoever, Jr. (NJ)
Peter A. Troyan (MI)
James L. Urbach (PA)
Willard H. Weerts (IL)
Charles W. Williamson (OK)
Wesley A. Willis (NJ)
Donald E. Wojtaszek (PA)
Marvin S. Zimmerman (PA)

The drivers were included in docket numbers FMCSA–2001–10578; FMCSA–2003–15892; FMCSA–2003–16564; FMCSA–2006–24015; FMCSA–2007–26653; FMCSA–2007–27897; FMCSA–2007–28695; FMCSA–2008–0021; FMCSA–2009–0321; FMCSA–2011–0324; FMCSA–2011–0365; FMCSA–2011–0366; FMCSA–2011–0378; FMCSA–2011–0379; FMCSA–2013–0029; FMCSA–2013–0030; FMCSA–2013–0165; FMCSA–2013–0167; FMCSA–2013–0168; FMCSA–2013–0170; FMCSA–2013–0174; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2015–0070; FMCSA–2015–0071; FMCSA–2015–0072; FMCSA–2015–0344; FMCSA–2015–0347; FMCSA–2015–0348; FMCSA–2015–0350; FMCSA–2015–0351; FMCSA–2016–0024; FMCSA–2016–0025; FMCSA–2016–0027. Their exemptions are applicable as of June 2, 2018, and will expire on June 2, 2020.

As of June 3, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 19 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (64 FR 68195; 65 FR 20251; 65 FR 45817; 65 FR 77066; 67 FR 38311; 68 FR 1654; 69 FR 17263; 69 FR 26921; 69 FR 31447; 70 FR 7545; 71 FR 13450; 71 FR 27033; 71 FR 4194; 73 FR 11989; 73 FR 16950; 73 FR 28186; 73 FR 6242; 73 FR 9158; 74 FR 60022; 75 FR 4623; 75 FR 9477; 75 FR 9484; 75 FR 14656; 75 FR 27623; 75 FR 28682; 77 FR 10606; 77 FR 13689; 77 FR 15184; 77 FR 17107; 77 FR 17109; 77 FR 27845; 77 FR 27849; 77 FR 27850; 77 FR 29447; 79 FR 14328; 79 FR 14331; 79 FR 14571; 79 FR 18391; 79 FR 18392; 79 FR 21996; 79 FR 27043; 79 FR 28588; 79 FR 29498; 81 FR 28138):

Rodney R. Anderson (PA)
Ernie E. Black (NC)
Gary O. Brady (WV)
Marland L. Brassfield (TX)
Michael B. Canedy (MN)
Melvin D. Clark (GA)
Rojelio Garcia-Pena (MI)
Grant G. Gibson (MN)
Stephen H. Goldcamp (OH)
Wai F. King (IL)
Eric W. Kopmann (MO)
Dennis E. Krone (IL)
George E. Lewis (OH)
Travis J. Luce (MI)
Richard J. McKenzie, Jr. (MD)
Christopher J. Meerten (OR)
Jason T. Montoya (NM)
George S. Rayson (OH)
Carl D. Short (MO)

The drivers were included in docket numbers FMCSA–1999–6480; FMCSA–2000–7363; FMCSA–2004–17195; FMCSA–2005–23099; FMCSA–2007–0071; FMCSA–2009–0303; FMCSA–2010–0050; FMCSA–2011–0379; FMCSA–2011–0380; FMCSA–2014–0003; FMCSA–2014–0004. Their exemptions are applicable as of June 3, 2018, and will expire on June 3, 2020.

As of June 6, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (77 FR 23799; 77 FR 33558; 79 FR 27365; 81 FR 28138): Richard Doroba, (IL); Tommy Thomas, (CA).

The drivers were included in docket number FMCSA–2012–0040. Their exemptions are applicable as of June 6, 2018, and will expire on June 6, 2020.

As of June 27, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (77 FR 27847; 77 FR 38386; 79 FR 29495; 81 FR 28138): Matthew G. Epps, (FL); James E. Sikkink, (IL).

The drivers were included in docket number FMCSA–2012–0104. Their exemptions are applicable as of June 27, 2018, and will expire on June 27, 2020.

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must undergo an annual physical examination (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a certified Medical Examiner, as defined by 49 CFR 390.5, who attests that the driver is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file or keep a copy of his/her driver's qualification if he/her is self- employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the

exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 95 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above. In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: June 11, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–13004 Filed 6–15–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0013]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 11 individuals for an exemption from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions will enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Comments must be received on or before July 18, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2018–0013 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: 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.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The 11 individuals listed in this notice have requested an exemption from the vision requirement in 49 CFR 391.41(b)(10). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal Meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

In July 1992, the Agency first published the criteria for the Vision Waiver Program, which listed the conditions and reporting standards that CMV drivers approved for participation would need to meet (Qualification of Drivers; Vision Waivers, 57 FR 31458, July 16, 1992). The current Vision Exemption Program was established in 1998, following the enactment of amendments to the statutes governing exemptions made by § 4007 of the Transportation Equity Act for the 21st Century (TEA–21), Public Law 105–178, 112 Stat. 107, 401 (June 9, 1998). Vision exemptions are considered under the procedures established in 49 CFR part 381 subpart C, on a case-by-case basis upon application by CMV drivers who do not meet the vision standards of 49 CFR 391.41(b)(10).

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past three years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at Docket Number FMCSA–1998–3637.

FMCSA believes it can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrated the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used three consecutive years of data, comparing the experiences of drivers in the first two years with their experiences in the final year.

II. Qualifications of Applicants

Scott B. Barker

Mr. Barker, 63, has had macular degeneration in his right eye since 2011. The visual acuity in his right eye is 20/70, and in his left eye, 20/20. Following an examination in 2018, his optometrist stated, ''Mr. Barker has ''sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' *[sic].*'' Mr. Barker reported that he has driven straight trucks for two years, accumulating 40,000 miles, and tractor-trailer combinations for 42 years, accumulating 2.5 million miles. He holds a Class A CDL from Washington. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Christopher L. Binkley

Mr. Binkley, 27, has retinal scarring in his right eye due to toxoplasmosis in childhood. The visual acuity in his right eye is 20/400, and in his left eye, 20/15. Following an examination in 2018, his optometrist stated, ''It is my medical opinion that, in spite of reduced central acuity in the right eye, Christopher's excellent binocular acuity and full binocular visual field provide him sufficient vision to safely operate a commercial vehicle.'' Mr. Binkley reported that he has driven straight trucks for nine years, accumulating 162,000 miles. He holds an operator's license from New Hampshire. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Darrell B. Emery

Mr. Emery, 42, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2018, his optometrist stated, ''He has 20/20 acuity with the right eye and 20/20 acuity with both eyes. This seems to be satisfactory for commercial driving.'' Mr. Emery reported that he has driven straight trucks for one year, accumulating 60,000 miles and tractor-trailer combinations for three years, accumulating 330,000 miles. He holds a Class A CDL from Texas. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Louis D. Faw

Mr. Faw, 63, has a macular scar in his left eye due to a traumatic incident in 2005. The visual acuity in his right eye is 20/20, and in his left eye, count fingers. Following an examination in 2018, his ophthalmologist stated, ''I certify that, in my opinion, the patient has sufficient vision to perform the task required to operate a commercial vehicle.'' Mr. Faw reported that he has driven straight trucks for 46 years, accumulating 667,000 miles, and tractor-trailer combinations for 35 years, accumulating 175,000 miles. He holds a Class A CDL from North Carolina. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Troy L. Hargrave

Mr. Hargrave, 54, has had glaucoma in his left eye since 2014. The visual acuity in his right eye is 20/15, and in his left eye, no light perception. Following an examination in 2017, his ophthalmologist stated, ''Obviously, Mr. Hargrave has sufficient vision to perform driving tasks required to operate a commercial vehicle as he is currently legally driving a commercial vehicle for employment.'' Mr. Hargrave reported that he has driven straight trucks for 25 years, accumulating 650,000 miles, and tractor-trailer combinations for 12 years, accumulating 1.2 million miles. He holds a Class A CDL from Missouri. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Randall J. Kau

Mr. Kau, 54, has had aphakia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/800. Following an examination in 2018, his optometrist stated, ''Mr. Kau has been driving for many years with his current vision and I feel he is safe to continue to operate a commercial vehicle.'' Mr. Kau reported that he has driven straight trucks for 30 years, accumulating 600,000 miles. He holds an operator's license from Wisconsin. His driving record for the last three years shows one crash, for which he was not cited, and no convictions for moving violations in a CMV.

James O'Brien

Mr. O'Brien, 51, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/70. Following an examination in 2017, his optometrist stated, ''In my professional opinion he has sufficient vision to perform all driving tasks required to operate commercial vehicles.'' Mr. O'Brien reported that he has driven straight trucks for 32 years, accumulating 1.28 million miles. He holds an operator's license from Massachusetts. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Patrick A. Piekkola

Mr. Piekkola, 44, has a prosthetic left eye due to a traumatic incident in 1980. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2017, his ophthalmologist stated, ''It is our opinion that Patrick has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Piekkola reported that he

has driven straight trucks for six years, accumulating 180,000 miles, and tractor-trailer combinations for four years, accumulating 40,000 miles. He holds an operator's license from South Dakota. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Marco A. Pinto

Mr. Pinto, 70, has a prosthetic left eye due to a traumatic incident in 2001. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2018, his ophthalmologist stated, ''I believe he has sufficient vision to perform the driving tasks needed to operate a commercial vehicle.'' Mr. Pinto reported that he has driven tractor-trailer combinations for 54 years, accumulating 5.4 million miles. He holds a Class A CDL from New York. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Andrew R. Sampson, Jr.

Mr. Sampson, 50, has complete loss of vision in his left eye due to a ruptured globe in childhood. The visual acuity in his right eye is 20/15, and in his left eye, no light perception. Following an examination in 2018, his optometrist stated, ''I certify that Mr. Sampson, in my medical opinion, has sufficient vision to perform driving tasks required to operate a commercial vehicle.'' Mr. Sampson reported that he has driven straight trucks for 15 years, accumulating 720,000 miles, and tractor-trailer combinations for two years, accumulating 80,000 miles. He holds a Class A CDL from Maryland. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Khamla Vongvoraseng

Ms. Vongvoraseng, 37, has had amblyopia in her right eye since childhood. The visual acuity in her right eye is 20/100, and in her left eye, 20/20. Following an examination in 2018, her optometrist stated, ''Without a doubt, I certify that in my medical opinion, Ms. Khamla Vongvoraseng has sufficient vision to perform the driving task required to operate a commercial vehicle.'' Ms. Vongvoraseng reported that she has driven straight trucks for five years, accumulating 121,920 miles. She holds an operator's license from North Carolina. Her driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments and material received before the close of business on the closing date indicated in the dates section of the notice.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0013 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0013 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: June 11, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–13006 Filed 6–15–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2018–0024]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 72 individuals from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on May 10, 2018. The exemptions expire on May 10, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: 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.*

II. Background

On April 9, 2018, FMCSA published a notice announcing receipt of applications from 72 individuals requesting an exemption from diabetes requirement in 49 CFR 391.41(b)(3) and requested comments from the public (83 FR 15202). The public comment period ended on May 9, 2018, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes standard in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

The Agency's decision regarding these exemption applications is based on the program eligibility criteria and an individualized assessment of information submitted by each applicant. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the April 9, 2018, **Federal Register** notice (83 FR 15202) and will not be repeated in this notice.

These 72 applicants have had ITDM over a range of 1 to 32 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the past five years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) each driver must report within two business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keeping a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 72 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above:

Anthony R. Adamo (NY)
Waleid M. Aly (NJ)
Danny T. Anderson (GA)
Robert F. Araway, II (MI)
Roger M. Aschan (IA)
James V. Azzarello (PA)
Curtis B. Baker (DE)
Keith L. Banitt (MN)
Robert L. Bates (TX)
Timmy L. Bergman (IN)
John G. Biggs (MO)
Jason R. Brown (IA)
David W. Burkholder (PA)
Jeffrey J. Burrichter (TX)
Lou M. Cain (TX)
Brayden S. Carothers (UT)
William E. Carr (MA)
Ebon T. Christian (CA)
Yasser A. Daadour (WA)
Michael C. Elliott (KY)
Michael A. Fowler (OH)
Corey J. Gillard (TN)
John D. Goodrich (NE)
Mike Gordon (CA)
Daniel W. Greene (IN)
Rodney K. Hammond (IN)
Kasey D. Hardie (WA)
Donald F. Higgins (IN)
Raymond O. Hill (IL)
Peter M. Hluchaniuk (FL)
Phillip G. Hortin (IN)
Robert C. Hosfelt (PA)
Benjirman A. Hufstedler (NE)
Terry A. Jeralds (IL)
Nicholas L. Judd (KS)
Joseph Kohorst (TX)
Matthew J. Lacey, Sr. (IL)
Douglas B. Lampela (MI)
Timothy Leroux (MA)
Robert A. Lukasavage (PA)
Elias Martinez-Medina (ID)
Michael E. Maxcy (MS)
Edwin P. McNamara (SD)
Barbara J. McNew (IN)
William A. Mejia (MA)
David L. Mitchell (IA)
Ibrahim Moussa (IN)
Steven E. Nixon (CO)
Kendrick D. Northan (VA)
Robert L. Pae, Jr. (NJ)
James A. Parnell (SC)
Tyler D. Pittsley (ND)
Austin L. Powell (TX)
Randolph L. Saunders (PA)
Thomas J. Scholten (MI)
Gerod M. Scott (SC)
Patty A. Sealy (AL)
Elvin L. Shaum (OH)
Joseph A. Snyder (OH)
Brandon T. Staebler (OR)
Max H. Swartz, Jr. (PA)
Brian J. Tegeler (IL)
Tony L. Tracy (IN)
Jonathan P. Tschannen (IL)
Philip C. Vanderiet (TX)
David W. Vickmark (MN)
Aaron A. Ward (IL)
Jerry C. Ward (LA)
Michael A. Wells (GA)
Kennie O. Williams (NC)
Robert V. Woodrup (NC)
Joseph H. Woods (OH)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The

exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Issued on: June 11, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–13011 Filed 6–15–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2018–0025]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 40 individuals from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on May 30, 2018. The exemptions expire on May 30, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: 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.*

II. Background

On April 27, 2018, FMCSA published a notice announcing receipt of applications from 40 individuals requesting an exemption from diabetes requirement in 49 CFR 391.41(b)(3) and requested comments from the public (83 FR 18627). The public comment period ended on May 29, 2018, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes standard in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

The Agency's decision regarding these exemption applications is based on the program eligibility criteria and an individualized assessment of information submitted by each applicant. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the April 27, 2018, **Federal Register** notice (83 FR 18627) and will not be repeated in this notice.

These 40 applicants have had ITDM over a range of 1 to 37 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the past five years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) each driver must report within two business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keeping a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 40 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above:

Waael Abuhijab (CA)
Patrick S. Baker (VA)
Thomas E. Bandy (NE)
Douglas E. Barron (SC)
Michael R. Batey (IA)
Wayne A. Buechler (SD)
Alexander R. Castell (IA)
Jeffrey S. Chandler (GA)
Robert D. Clark, Jr. (NY)
Jimmy D. Coffman (TX)
Dale L. Collin (IL)
Wilfredo Costa (NY)
Jeffrey L. Covert (AR)
Terry L. Emenheiser (PA)
Brendan T. Farnam (MA)
Gerard R. Galipeau, Jr. (ME)
Steve A. Holifield (MS)
Jerry W. Howell (AR)
Stephen M. Huckleby (KY)
David L. Isreal (MO)
Eric D. Kennedy (CT)
Jeff F. Kress (MN)
John K. Laughlin (LA)
Alfred G. Love, 3rd (DE)
Gerald P. Malone (IA)
Volodymyr Marchenko (CA)
Wayne R. Miller (VA)
Kennedy T. Moore (FL)
John A. Morth (OH)
Keith E. Nichols (IA)
Craig E. Paczkowski (FL)
Michael J. Pollart (RI)
James D. Reynolds (PA)
Jordin R. Rhone (NY)
Nathaniel B. Shaw (MN)
Timothy H. Solomon (MN)
Mark A. Tevis (IN)
Richard D. Tripp (SD)
Ismael Vasquez (CA)
Travis J. Womack (NC)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Issued on: June 11, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–13000 Filed 6–15–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2009–0322; FMCSA–2010–0051; FMCSA–2012–0042; FMCSA–2012–0043; FMCSA–2014–0012; FMCSA–2014–0013; FMCSA–2014–0014; FMCSA–2014–0015; FMCSA–2016–0035; FMCSA–2016–0036]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 197 individuals from its prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals with ITDM to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5:30 p.m., E.T., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http//www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: 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.*

II. Background

On April 24, 2018, FMCSA published a notice announcing its decision to renew exemptions for 197 individuals from the insulin-treated diabetes mellitus prohibition in 49 CFR 391.41(b)(3) to operate a CMV in interstate commerce and requested comments from the public (FR75 FR 13647; 75 FR 14652; 75 FR 27616; 75 FR 28684; 77 FR 17111; 77 FR 18302; 77 FR 27841; 77 FR 29446; 79 FR 10612; 79 FR 14579; 79 FR 18400; 79 FR 22573; 79 FR 27685; 79 FR 28590; 79 FR 29262; 79 FR 35855; 81 FR 21649; 81 FR 24161; 81 FR 59723; 82 FR 20966; 82 FR 24434). The public comment period ended on May 24, 2018, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

III. Discussion of Comments

FMCSA received no comments in this preceding.

IV. Conclusion

Based upon its evaluation of the 197 renewal exemption applications and comments received, FMCSA confirms its' decision to exempt the following drivers from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce in 49 CFR 391.64(3):

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of May and are discussed below:

As of May 11, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following seven individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (77 FR 17111; 77 FR 27841; 82 FR 24434):

John G. Hager, Jr. (NJ)
Charles C. Karver (MN)
Benjamin Kimbrough (KS)
Jeffery J. Lawrie (OH)
Raymond Pittman, Jr. (IL)
Robert J. Socha (NE)
Thomas C. Torbett (MO)

The drivers were included in docket number FMCSA–2012–0042. Their exemptions are applicable as of May 11, 2018, and will expire on May 11, 2020.

As of May 13, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 30 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (81 FR 21649; 82 FR 20966):

William M. Adams (SC)
Phillip J. Boruszewski (IL)
Kenneth H. Brown (NY)
Alfred S. Church, Jr. (IN)
James R. Conley (IN)
Irvin L. Davis (VA)
Richard J. Dudzenski (PA)
William M. Dutton (ND)
Richard W. Favier (CT)
Richard G. Fiscus, Jr. (MA)
Raymond C. Hartill (WA)
Todd E. Himebauch (IL)
John R. Hofmann, Jr. (IL)
Matthew E. Ingham (WA)
Grant L. Jensen (SD)
Victor E. Kaneps (CO)
Albert J. Laubauskas (NJ)
Michael M. Lillie (MI)
Barrington F. Mahabee (NY)
Robert J. Marnell (IA)
Clayton E. McCoy (TX)
Scott A. Newell (MI)
Braydon D. Paytas (UT)
William J. Pratt (MN)
Kyle L. Roy (OH)
Jerry G. Smith (NC)
William J. Taylor (IN)
Roy E. Tompkins (NY)
Vasilios Tsimis (NY)
Craig J. Voudren (VA)

The drivers were included in docket number FMCSA–2016–0035. Their exemptions are applicable as of May 13, 2018, and will expire on May 13, 2020.

As of May 14, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 19 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (79 FR 10612; 79 FR 27685; 82 FR 24434):

Todd L. Brandt (IL)
Dean G. Brekhus (ND)
Angie M. Carrington (IL)
Samuel J. Desmond (RI)
John F. Fedorchak, Jr. (PA)
Derek W. Frazier (IA)
Michael G. Haugen (WI)
Timothy S. Hinkhouse (NE)
Douglas R. Lane (NY)
Jonathon W. Luebke (WI)
Brion T. Maguire (PA)
Jacob R. Martin (MO)
John C. May (NE)
Angel F. Morales (CO)
Slobodan Pavlovich (WA)
Darryl W. Peppers (IN)
Bradley S. Pletcher (PA)
Hank D. Rose, Jr. (NC)
Joshua R. Wiery (OH)

The drivers were included in docket number FMCSA–2014–0012. Their exemptions are applicable as of May 14, 2018, and will expire on May 14, 2020.

As of May 16, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 23 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (79 FR 14579; 79 FR 28590; 82 FR 24434):

Schylor M. Altenhofen (IA)
Don R. Anderson, III (IN)
Thomas A. Barnes (MI)
Alvin L. Carpenter (MT)
Richard J. D'Ambrosia (NY)
Jefferey F. Deane (MA)
Bradley J. Frazier (IL)
Carl R. Gentry (WA)
Robert M. Hutchison (NY)
Craig A. Keese, Jr. (NY)
Amos L. Lapp (PA)
Edward J. Lulay (IL)
Donald S. Middleton (MO)
Alva D. Moffatt (WA)
Antonio Pepiciello (NY)
James K. Popp (MN)
Dustin P. Russell (PA)
Sean L. Shidell (WI)
Randall L. Shultz (MO)
Chad B. Spidell (PA)
Cameron M. Sprinkle (IN)
Douglas E. Stewart (MS)
Thomas L. Williams (MN)

The drivers were included in docket number FMCSA–2014–0013. Their exemptions are applicable as of May 16, 2018, and will expire on May 16, 2020.

As of May 17, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 27 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (75 FR 13647; 75 FR 27616; 77 FR 18302; 77 FR 29446; 82 FR 24434):

Mark S. Boettcher (MN)
Steven C. Boudreau (MA)
Roy L. Brokaw (WI)
Chris D. Chambers (LA)
Charles A. Cinert, Sr. (IL)
Dale J. Cleaver (PA)
Bert R. Duncan, II (UT)
Lance L. Fuller (MN)
Johnny Gardner, Jr. (SC)
Mark D. Golden (MI)
Nathaniel W. Gorham (IN)
DeVere E. Hansen (UT)
Grant C. Huftalin (IA)
Steven M. Janczak (WI)
Sheldon R. Koehn (KS)
Jason R. Kropp (OK)
Adolfo Moreno, Jr. (WA)
John W. Morrison (CA)
Bruce V. Oppegard (MN)
Steven G. Petersen (MN)
Damian J. Porter (NY)
David L. Rice (ME)
Wayne F. Richards (PA)
Gary G. Siornen (MT)
Rodney L. Stoltenberg (IA)
Wade D. Street (MT)
Stanley C. Tarvidas (IL)

The drivers were included in docket numbers FMCSA–2009–0322; FMCSA–2012–0043. Their exemptions are applicable as of May 17, 2018, and will expire on May 17, 2020.

As of May 21, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 42 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (75 FR 14652; 75 FR 28684; 79 FR 18400; 79 FR 29262; 82 FR 24434):

Douglas L. Atkins (GA)
Bradley E. Bradshaw (NC)
Robert L. Buol (IA)
Carlos V. Candelaria (NM)
Suellen M. Civiello (ME)
Michael T. Clements (WI)
Daniel G. Conery (NJ)
James R. Crawford (WA)
Alan Curtis (UT)
David P. Dengate (PA)
Alan D. Ekberg (NE)
Neil G. Ford (PA)
Alden J. Haskins, Sr. (MD)
James Herrada (NE)
Gary W. Hochstein (MN)
Harold D. Hoggard, II (PA)
Terry L. Horn (NC)
Gerald A. Johnson (WI)
Frank J. Katzbeck (IL)
Cory M. Kobernick (KY)
Thomas G. Lamberton (WA)
James K. Libke (IN)
Gordon E. Lindley (WY)
Edwin H. Maranville (OR)
Joseph R. Marcelewski (OH)
David R. Norton (OH)
Eugene P. OQuendo (MA)
Curtis J. Pitt (OR)
Larry J. Reese (PA)
William O. Ruiz, III (AZ)
James P. Rushing, Jr. (VA)
Harold D. Russman (SD)
Hector M. Sanchez (NM)

Scott W. Shindledecker (IN)
Shirliann F. Skroch (NV)
Ross L. Smith, Sr. (NJ)
Christopher Starghill (DC)
Richard L. Stark (OH)
Philip E. Stegeman (ID)
Brandon L. Weaver (PA)
Matthew G. Williams (KY)
Michael B. Wilson (OH)

The drivers were included in docket numbers FMCSA–2010–0051; FMCSA–2014–0014. Their exemptions are applicable as of May 21, 2018, and will expire on May 21, 2020.

As of May 23, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, Derald E. Moenning, (NE) has satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (79 FR 22573; 79 FR 35855; 82 FR 24434).

The driver was included in docket number FMCSA–2014–0015. The exemption is applicable as of May 23, 2018, and will expire on May 23, 2020.

As of May 26, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 48 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (81 FR 24161; 81 FR 59723):

Thomas H. Adams, Jr. (PA)
Spencer L. Bates (VT)
Hobert P. Bates (TX)
Erik E. Baumgart (NE)
Robert T. Birch (PA)
Frank A. Borchers (NJ)
Nathan P. Broussard (KS)
Rodney J. Brown (VA)
Nicholas M. Catizone (MA)
Michael J. Christians (MN)
William R. Faller (PA)
Stephen L. Fehr (IL)
Stephen P. Glenning (FL)
Kevin B. Green (TN)
Dusty R. Grover (ID)
Robert W. Guccion (IA)
Andy H. Harnden (WA)
Russell D. Hartley (KS)
Eric D. Hulst (SD)
Stephen J. Hyde, Sr. (MA)
Steven G. Jackson (IN)
Michelle Jenkins (MA)
Robert C. Jones (VA)
Paul M. Joyce (MA)
Steven W. Keech (PA)
David O. Ludwig (ND)
Marvin D. Mitchell (WA)
Jack D. Moore (WV)
Matthew A. Neidermeier (FL)
Thomas M. Noon (MI)
Ronald A. Ortiz (CA)
Michael V. Palmer (NY)
LeRonne Pegues (IL)
John D. Penrod (SD)
Thomas M. Peterson (NE)
Gregory S. Potter (MO)
Lisa M. Reynolds (CO)
Martina M. Sanchez (NY)
Daniel J. Sing (OH)
Mark W. Smith (PA)
Larry E. Sorrells (VA)
Michael R. Thomen (OH)
Charles E. Tillman, Jr. (FL)
Monte D. Trout (WA)
Aaron M. Trudeau (MT)
Thomas M. Waldron (MA)
David M. Wilfeard II (NY)
Deborah C. Williams (NJ)

The drivers were included in docket number FMCSA–2016–0036. Their exemptions are applicable as of May 26, 2018, and will expire on May 26, 2020.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: June 11, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–12987 Filed 6–15–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0010]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 14 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. They are unable to meet the vision requirement in one eye for various reasons. The exemptions enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: The exemptions were applicable on May 30, 2018. The exemptions expire on May 30, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: 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.*

II. Background

On April 27, 2018, FMCSA published a notice announcing receipt of applications from 14 individuals requesting an exemption from vision requirement in 49 CFR 391.41(b)(10) and requested comments from the public (83 FR 18644). The public comment period ended on May 29, 2018, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least

20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision standard in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows applicants to operate CMVs in interstate commerce.

The Agency's decision regarding these exemption applications is based on medical reports about the applicants' vision as well as their driving records and experience driving with the vision deficiency. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the April 27, 2018, **Federal Register** notice (83 FR 18644) and will not be repeated in this notice.

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their limitation and demonstrated their ability to drive safely. The 14 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including amblyopia, aphakia, complete loss of vision, corneal scar, enucleation, keratoconus, macular scar, optic atrophy, and prosthesis. In most cases, their eye conditions were not recently developed. Eleven of the applicants were either born with their vision impairments or have had them since childhood. The three individuals that sustained their vision conditions as adults have had it for a range of 14 to 30 years. Although each applicant has one eye which does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV.

Doctors' opinions are supported by the applicants' possession of a valid license to operate a CMV. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions.

The applicants in this notice have driven CMVs with their limited vision in careers ranging for 4 to 96 years. In the past three years, no drivers were involved in crashes, and no drivers were convicted of moving violations in CMVs. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

Consequently, FMCSA finds that in each case exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10) and (b) by a certified Medical Examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 14 exemption applications, FMCSA exempts the following drivers from the vision requirement, 49 CFR 391.41(b)(10), subject to the requirements cited above:

Zachary A. Abbotts (CT)
Joseph J. Amatulli (NY)
Clarton D. Avis (KY)
Jimmy L. Burgi (TX)
Gordon C. Canfield (MI)
David M. Clark, Jr. (MD)
Dorothy J. Crum (OH)
Tammy J. Duval (NH)
Brian K. LaJoie (MI)
James V. Latess, Jr. (PA)
Igor L. Litvak (MD)
John A. Thomas, Jr. (NC)
Jerry L. Womble (AR)
Kevin Young (NJ)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: June 11, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–13003 Filed 6–15–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2010–0083; FMCSA–2010–0115; FMCSA–2010–0138; FMCSA–2012–0108; FMCSA–2012–0109; FMCSA–2014–0016; FMCSA–2014–0017; FMCSA–2016–0040; FMCSA–2016–0041; FMCSA–2016–0042]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 264 individuals from its prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals with ITDM to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before July 18, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2010–0083; FMCSA–2010–0115; FMCSA–2010–0138; FMCSA–2012–0108; FMCSA–2012–0109; FMCSA–2014–0016; FMCSA–2014–0017; FMCSA–2016–0040; FMCSA–2016–0041; FMCSA–2016–0042 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day e.t., 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: 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.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5:30 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

The 264 individuals listed in this notice have requested renewal of their exemptions from the diabetes standard in 49 CFR 391.41(b)(3), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 264 applicants has satisfied the renewal conditions for obtaining an exemption from the diabetes requirement (75 FR 25919; 75 FR 28677; 75 FR 34206; 75 FR 38597; 75 FR 38598; 75 FR 44049; 77 FR 33551; 77 FR 33554; 77 FR 43417; 77 FR 43901; 79 FR 29484; 79 FR 35844; 79 FR 42628; 79 FR 51223; 81 FR 40746; 81 FR 42035; 81 FR 42044; 81 FR 59725; 81 FR 59726; 81 FR 62793; 81 FR 92949). They have maintained their required medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous two-year exemption period. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each of these drivers for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of July and are discussed below:

As of July 2, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 28 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (75 FR 25919; 75 FR 28677; 75 FR 38597; 75 FR 38598; 81 FR 92949):

Spencer W. Alexander (UT)
Cody R. Anderson (MT)
Joseph P. Beagan (RI)
Brian C. Blevins (VA)
John M. Charlton (UT)
Stuart A. Dietz (KS)
Michael G. Eikenberry (IN)
Francisco K. Gallardo (AZ)
Devin S. Gibson (UT)
Jason C. Green (MS)
Kimmy D. Hall (AR)
Edward G. Harbin (AR)
Lewis M. Hendershott (NJ)
Mark E. Henning (NY)

Christopher M. Hultman (WI)
Duane K. Kohls (MN)
John F. Lohmuller (IN)
Jerry A. McMurdy (PA)
Steven L. Miller (ND)
H.A. Miller (OR)
Andrew D. Monson (MN)
Timothy J. Nowak (FL)
Peter J. Pendola (VA)
Ross R. Romano (MI)
Jason D. Sweet (CA)
Robert M. Thomson (IL)
James P. Tomasik (PA)
Joseph H. Watkins (IN)

The drivers were included in docket numbers FMCSA–2010–0083; FMCSA–2010–0115. Their exemptions are applicable as of July 2, 2018, and will expire on July 2, 2020.

As of July 22, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 29 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (79 FR 29484; 79 FR 42628; 81 FR 92949):

Curtis D. Andersen (MT)
Thomas E. Armbrust (IL)
Michael A. Barrett (MI)
Richard K. Cressman (ND)
Steven W. Dahl (ND)
Shannon D. Eck (KS)
Manuel Fernandez (PA)
Kevin J. Franje (IA)
Jared P. Greene (OH)
Michael L. Jobe (PA)
Edwin P. Jonas, II (PA)
John J. Katcher (CO)
Glenn T. Keller (PA)
Michael G. Keller (CA)
Jay T. Kirschmann (ND)
James L. Laufenberg (ND)
Erik M. Mardesen (IA)
Pedro Saavedra Garcia (CA)
Jerry J. Shipley (KS)
Glenn A. Skonberg (SD)
Douglas R. Smith (KS)
Cheryl G. Stephens (DE)
Martin T. Struthers (NE)
Dennis C. Svec (MI)
Larry L. Taff (AR)
Filbert J. Torres (NM)
Burdette Walker (PA)
Harold W. Wilson, Jr. (SC)
Ronald D. Young (GA)

The drivers were included in docket number FMCSA–2014–0016. Their exemptions are applicable as of July 22, 2018, and will expire on July 22, 2020.

As of July 23, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 53 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (81 FR 40746; 81 FR 59726):

Michael J. Andries (WI)
Appiah T. Ankrah (MA)
Gregory P. Austin (CA)
David F. Banko (CO)
John T. Bardin (NY)
Joseph Berta IV (OK)
John C. Birmingham (IA)
Robert G. Canelo (NM)
Christoph A. Chiappa (NJ)
Johnny L. Cloy (TN)
Jon W. Collett (OH)
Joel A. Cote (ME)
Donald E. Cowell (CA)
Raymond J. Crosbie (NH)
Kenneth Dennis (KY)
Robert D. Diefenbaugh (NE)
William J. Gangloff (NY)
Phillip J. Guidice (WA)
Darin K. Hansen (IA)
William M. Haralson (TN)
Alejandro R. Hernandez (FL)
Stephen R. Hill (PA)
Jon W. Jernigan (OK)
Mark A. Johnston (PA)
Denise D. Johnston (IA)
Zachary J. F. Kinsey (CA)
Jongsub Lee (PA)
Ramon Lopez (TX)
David C. Love (IL)
Billy J. McNealy (MO)
Carlos Medellin (TX)
Samuel B. Morris (MN)
Bryan C. Mullins (TX)
Zachary Nechi (IL)
Toriano T. Neely (AL)
Orlando Padilla (TX)
Michael P. Pattie (RI)
Brian K. Porter (KY)
Oscar L. Quezada (CA)
Walter D. Richardson (MA)
Tracy A. Rowland (WA)
Michael J. Russell (MA)
Jeffrey M. Sandler (CA)
Paul A. Schaus (IL)
Lloyd E. Schrunk (MN)
Burton D. Shellabarger (IA)
John M. Suttles (OH)
John R. Tupper (ID)
Thomas W. Upton (NY)
James M. Walsh (WI)
Billy J. Webb, Jr. (MS)
Steven R. Williams (MO)
James A. Yates (IA)

The drivers were included in docket number FMCSA–2016–0040. Their exemptions are applicable as of July 23, 2018, and will expire on July 23, 2020.

As of July 24, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (77 FR 33554; 77 FR 43417; 81 FR 92949):

Tony O. Billman (PA)
Tracy M. Dowton (MT)
Anil D. Gharmalker (KS)
Larry A. Hamilton (MO)
Allen K. Kates (NJ)
Victor C. Port (ND)
Jeffrey A. Ryan (IA)
James H. Stichberry, Jr. (MD)
John F. Watson (IN)
Melvin E. Welch (NJ)
Leroy R. Wille (IA)

The drivers were included in docket number FMCSA–2012–0109. Their exemptions are applicable as of July 24, 2018, and will expire on July 24, 2020.

As of July 25, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 44 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (79 FR 35844; 79 FR 51223; 81 FR 92949):

John H. Ascheman (MN)
Alan F. Brown, Jr. (IN)
Theodore W. Burnette (CA)
John Canal (NY)
Kevin G. Comstock (MN)
Jacob S. Crawford (GA)
Christopher Dave (MI)
Anthony J. Davis (IN)
Charles G. Denegal (WA)
Wayne H. Dirks (WA)
Charles G. Elliott (IN)
Joseph S. Farrow (MN)
James R. Fiecke (ND)
Eric C. Gambill (OH)
Mark P. Gerrits (WI)
Michael Gilon (NH)
Chance A. Gooch (GA)
Robert L. Harris (IN)
Darrell S. Haynes (PA)
Joseph D. Helget (OR)
Charles D. Henderson (NY)
Marvin S. Howard (OH)
Eric A. Knox (KY)
Erik M. Lindquist (WA)
Thomas K. Linkel (IN)
Christine I. Llewellyn (IL)
Thomas J. Manning (MN)
Steve A. Meharry (WA)
Robert A. Miller, Jr. (WV)
Ben G. Moore (IL)
Chad M. Morris (NY)
Paul C. Mortenson (WI)
William D. Murray (AL)
Jacob D. Nafziger (OH)
Edward T. Nauer (VA)
Colin R. Parmelee (IN)
Matthew P. Sczpanski (OH)
Anthony S. Sobreiro (NJ)
Colby E. Starner (PA)
Daniel E. Stephens (NY)
Johnathan D. Truitt (IL)
Rylan P. Wheeler (IL)
Kelly L. Whitley (NC)
Michelle L. York (WA)

The drivers were included in docket number FMCSA–2014–0017. Their exemptions are applicable as of July 25, 2018, and will expire on July 25, 2020.

As of July 26, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 13 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (77 FR 33551; 77 FR 43901; 81 FR 92949):

Larry J. Anderson (MN)
Wade D. Calvin (WA)
Carl A. Candelaria (NM)
Owen R. Dossett (AL)
Jennifer A. Ferguson (SC)
Michael E. Fritz (NV)
Lee A. Haerterich (WI)
Eric W. Holland (CO)
Richard P. Holmen (MN)
Paul A. Lacina (ND)
Bradley J. Moore (MO)
Ross W. Petermann (MN)
Curtis J. Young (FL)

The drivers were included in docket number FMCSA–2012–0108. Their exemptions are applicable as of July 26, 2018, and will expire on July 26, 2020.

As of July 27, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 12 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (75 FR 34206; 75 FR 44049; 81 FR 92949):

Clinton R. Carlson II (RI)
Brandon L. Cheek (NC)
Richard A. Dufton, Jr. (NH)
Kenneth Dunn (IN)
Robert J. Dyxin (IL)
Michael H. Hayden (NY)
John T. Jones (OK)
Blake A.S. Keeten (NE)
Randall L. Koegel (NY)
Worden T. Price (NC)
Gary L. Sager (IL)
Darrel D. Schroeder (KS)

The drivers were included in docket number FMCSA–2010–0138. Their exemptions are applicable as of July 27, 2018, and will expire on July 27, 2020.

As of July 29, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 74 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (81 FR 42035; 81 FR 42044; 81 FR 59725; 81 FR 62793):

Scott D. Allen (NE)
Scott R. Bailey (MA)
Michael J. Beaver (MN)
Casey G. Bergman (MN)
Gary R. Butts (NY)
Christopher D. Chapman (IA)
Robert J. Chapman (OH)
Carey P. Cole (PA)
Steven A. Crain (LA)
Phillip Daquila III (IL)
Paul J. Dematas (NY)
Kirk A. Erickson (MN)
Raymond E. Fisher, Jr. (PA)
Richard M. Frostig (CT)
Jason L. Garrett (TX)
Faustino P. Garza (TX)
Lawrence M. Gates (NY)
Alva E. Gladney (LA)
Robert D. Golding (NM)
John J. Gonzalez (CT)
Bruce E. Gusler (NH)
James M. Haight (NC)
Bradley T. Hall (AL)
Travis L. Handy (DE)
William C. Higgins (NC)
David R. Hodge (MI)
Paul D. Hollenbeck (UT)
Jame Holman (PA)
Kevin R. Holz (MN)
Brian J. Hurley (IL)
Willis A. Jergenson (IA)
Steven C. Jordan, Jr. (MD)
Kevin M. Krug (IN)
Duane A. Leazott (MN)
Robert A. Lewis (PA)
Brian C. Link (NY)
Bruce A. Mattison (WA)
James K. Medeiros (RI)
Richard E. Mellors (NY)
Gregory S. Montierth (CA)
Daniel M. Mulligan (NJ)
John N. Mulready (MA)
Colton J. Nefzger (ND)
Jerry L. Niichel (IA)
Donald S. Oakes (PA)
Dorian T. Papazikos (AL)
Ardell Parks (IL)
Terry D. Paxton (PA)
Carson A. Penny (CA)
Lawrence C. Powers (MI)
Reynier Prieto (FL)
Charles V. Radford, Jr. (NC)
David E. Roth (MN)
Kenneth R. Schleppy (PA)
John J. Shedlock (PA)
Jonathan W. Simoneau (NH)
Malcom D. Small (TX)
Russell F. Smith (PA)
Trenton W. Socha (TX)
Edward D. Sprague (WI)
Carla J. Stafford (TN)
Kenneth R. Stephenson (TX)
Jeffrey S. Toler (IN)
Luis M. Torres (CT)
Lyle D. Tunink (IA)
Fasitupe Tupuola (CA)
Louis D. Valente (MA)
Robert L. Westergaard (NJ)
James A. Wiggins (OK)
Reed R. Wilken (IL)
Mark A. Williams (IN)
Robert A. Yerges (WI)
Abraham K. Yohannan (NY)
Kyle S. Yount (KY)

The drivers were included in docket numbers FMCSA–2016–0041; FMCSA–2016–0042. Their exemptions are applicable as of July 29, 2018, and will expire on July 29, 2020.

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) each driver must report within two business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) each driver must submit an annual ophthalmologist's or optometrist's report; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 264 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce. In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: June 11, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–12985 Filed 6–15–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1999–6156; FMCSA–1999–6480; FMCSA–2003–16241; FMCSA–2003–16564; FMCSA–2005–22194; FMCSA–2005–22727; FMCSA–2005–23099; FMCSA–2005–23238; FMCSA–2006–23773; FMCSA–2007–0017; FMCSA–2007–0071; FMCSA–2007–27897; FMCSA–2009–0011; FMCSA–2009–0206; FMCSA–2009–0291; FMCSA–2009–0321; FMCSA–2011–0142; FMCSA–2011–0275; FMCSA–2011–0298; FMCSA–2011–0324; FMCSA–2011–0365; FMCSA–2011–0366; FMCSA–2011–0378; FMCSA–2013–0028; FMCSA–2013–0165; FMCSA–2013–0166; FMCSA–2013–0167; FMCSA–2013–0168; FMCSA–2013–0169; FMCSA–2013–0170; FMCSA–2013–0174; FMCSA–2014–0002; FMCSA–2015–0070; FMCSA–2015–0071; FMCSA–2015–0072; FMCSA–2015–0344; FMCSA–2015–0345; FMCSA–2015–0348; FMCSA–2015–0350; FMCSA–2015–0351]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 113 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: 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.*

II. Background

On April 9, 2018, FMCSA published a notice announcing its decision to renew exemptions for 113 individuals from the vision requirement in 49 CFR 391.41(b)(10) to operate a CMV in interstate commerce and requested comments from the public (64 FR 54948; 64 FR 68195; 65 FR 159; 65 FR 20251; 67 FR 10475; 67 FR 17102; 68 FR 61857; 68 FR 74699; 68 FR 75715; 69 FR 8260; 69 FR 10503; 69 FR 17267; 70 FR 57353; 70 FR 71884; 70 FR 72689; 71 FR 644; 71 FR 4194; 71 FR 4632; 71 FR 5105; 71 FR 6824; 71 FR 6829; 71 FR 6826; 71 FR 13450; 71 FR 16410; 71 FR 19600; 71 FR 19602; 72 FR 39879; 72 FR 52422; 72 FR 62897; 72 FR 67340; 72 FR 71995; 73 FR 1395; 73 FR 5259; 73 FR 6242; 73 FR 8392; 73 FR 9158; 73 FR 11989; 73 FR 15254; 73 FR 16950; 74 FR 43217; 74 FR 49069; 74 FR 57551; 74 FR 60021; 74 FR 65842; 74 FR 65845; 74 FR 65847; 75 FR 1451; 75 FR 1835; 75 FR 8184; 75 FR 9477; 75 FR 9480; 75 FR 9482; 75 FR 9484; 75 FR 13653; 75 FR 20881; 75 FR 22176; 76 FR 49528; 76 FR 61143; 76 FR 64164; 76 FR 66123; 76 FR 70210; 76 FR 70213; 76 FR 75942; 76 FR 78728; 76 FR 79760; 77 FR 541; 77 FR 545; 77 FR 3547; 77 FR 3552; 77 FR 5874; 77 FR 7233; 77 FR 7657; 77 FR 10604; 77 FR 10606; 77 FR 13689; 77 FR 13691; 77 FR 17107; 77 FR 17108; 77 FR 17115; 77 FR 17117; 77 FR 17119; 77 FR 19749; 77 FR 22059; 77 FR 22838; 78 FR 27281; 78 FR 41188; 78 FR 47818; 78 FR 62935; 78 FR 63302; 78 FR 63307; 78 FR 64271; 78 FR 64274; 78 FR 66099; 78 FR 67452; 78 FR 67454; 78 FR 67455; 78 FR 74223; 78 FR 76395; 78 FR 76704; 78 FR 76705; 78 FR 77778; 78 FR 77780; 78 FR 77782; 78 FR 78475; 79 FR 1908; 79 FR 2247; 79 FR 2748; 79 FR 4803; 79 FR 4805; 79 FR 6993; 79 FR 10602; 79 FR 10606; 79 FR 10607; 79 FR 10608; 79 FR 10609; 79 FR 10610; 79 FR 10611; 79 FR 10619; 79 FR 12565; 79 FR 13085; 79 FR 14328; 79 FR 14331; 79 FR 14332; 79 FR 14333; 79 FR 15794; 79 FR 17641; 79 FR 17642; 79 FR 17643; 79 FR 18390; 79 FR 18391; 79 FR 22003; 80 FR 33007; 80 FR 63869; 80 FR 67472; 80 FR 67476; 80 FR 67481; 80 FR 70060; 80 FR 76345; 80 FR 79414; 80 FR 80443; 81 FR 6573; 81 FR 11642; 81 FR 14190; 81 FR 15401; 81 FR 15404; 81 FR 16265; 81 FR 17237; 81 FR 20433; 81 FR 20435; 81 FR 28136; 81 FR 28138; 81 FR 39100; 81 FR 44680; 81 FR 52516; 81 FR 60117). The public comment period ended on May 9, 2018, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received no comments in this preceding.

VI. Conclusion

Based upon its evaluation of the 113 renewal exemption applications and comments received, FMCSA confirms its' decision to exempt the following drivers from the vision requirement in 49 CFR 391.41 (b)(10):

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of April and are discussed below:

As of April 12, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 58 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (68 FR 7469; 68 FR 61857; 68 FR 74699; 68 FR 75715; 69 FR 10503; 70 FR 57353; 70 FR 71884; 70 FR 72689; 71 FR 644; 71 FR 4194; 71 FR 4632; 71 FR 6829; 71 FR 13450; 72 FR 39879; 72 FR 52422; 72 FR 62897; 72 FR 67340; 72 FR 71995; 73 FR 1395; 73 FR 5259; 73 FR 6242; 73 FR 8392; 73 FR 9158; 73 FR 16950; 74 FR 43217; 74 FR 49069; 74 FR 57551; 74 FR 60021;

74 FR 65842; 74 FR 65845; 74 FR 65847; 75 FR 1451; 75 FR 8184; 75 FR 9477; 75 FR 9482; 75 FR 9484; 76 FR 49528; 76 FR 61143; 76 FR 64164; 76 FR 66123; 76 FR 70210; 76 FR 70213; 76 FR 75942; 76 FR 78728; 76 FR 79760; 77 FR 541; 77 FR 545; 77 FR 3547; 77 FR 3552; 77 FR 5874; 77 FR 7233; 77 FR 7657; 77 FR 10604; 77 FR 10606; 77 FR 13689; 77 FR 13691; 77 FR 17117; 77 FR 17119; 77 FR 22059; 78 FR 27281; 78 FR 41188; 78 FR 47818; 78 FR 62935; 78 FR 63302; 78 FR 63307; 78 FR 64271; 78 FR 64274; 78 FR 66099; 78 FR 67452; 78 FR 67454; 78 FR 67455; 78 FR 74223; 78 FR 76395; 78 FR 76704; 78 FR 76705; 78 FR 77778; 78 FR 77780; 78 FR 77782; 78 FR 78475; 79 FR 1908; 79 FR 2247; 79 FR 2748; 79 FR 4803; 79 FR 4805; 79 FR 6993; 79 FR 10602; 79 FR 10619; 79 FR 12565; 79 FR 13085; 79 FR 14328; 79 FR 14331; 79 FR 14332; 79 FR 14333; 79 FR 18390; 80 FR 33007; 80 FR 63869; 80 FR 67472; 80 FR 67476; 80 FR 67481; 80 FR 70060; 80 FR 76345; 80 FR 79414; 80 FR 80443; 81 FR 11642; 81 FR 15401; 81 FR 15404; 81 FR 16265; 81 FR 20433; 81 FR 20435; 81 FR 28136; 81 FR 44680; 81 FR 60117):

Larry Adams, Jr. (FL)
Donald Bierwirth, Jr. (CT)
Bryan Borrowman (UT)
Clifford L. Burruss (CA)
Kevin J. Cobb (PA)
Eugene Contreras (NM)
Levi R. Coutcher (WA)
Herman R. Dahmer (MD)
Jim L. Davis (NM)
Andrew S. Durward (IL)
Michael P. Eisenreich (MN)
James Esposito, Jr. (PA)
Daniel W. Eynon (OH)
Gerald W. Fox (PA)
Richard P. Frederiksen (WY)
Raul A. Gonzalez (CA)
Danny R. Gray (OK)
Keith J. Haaf (VA)
John C. Henricks (OH)
Louis E. Henry, Jr. (KY)
Michael J. Hoskins (KS)
Zion Irizarry (NV)
Kevin Jacoby (NJ)
Tommy R. Jefferies (FL)
Billy R. Jeffries (WV)
Lowell Johnson (MN)
John R. Knott, III (MN)
David G. Lamborn (ND)
Curtis M. Lawless (VA)
Raymond J. Mannarino (NY)
Herman Martinez (NM)
James McCleary (OH)
Joseph W. Meacham (MS)
Brandon J. Michalko (NY)
Michael E. Miles (IL)
Daniel I. Miller (PA)
Robert Mollicone (FL)
Josh D. Nichols (IL)
John E. Nichols (PA)
Willie L. Parks (CA)
Richard J. Pauxtis (OR)
Jerry L. Pettijohn (OK)
Paul D. Prillaman (VA)
Rafael Quintero (TX)
Ezequiel M. Ramirez (TX)
Kent S. Reining (IL)
Riland O. Richardson (GA)
Roy C. Rogers (WV)
Troy M. Ruhlman (PA)
Robert Schick (PA)
Mark A. Smalls (GA)
Scott C. Star (NJ)
Michael A. Terry (IN)
Clifford B. Thompson, Jr. (SC)
Hany A. Wagieh (NJ)
Virgil E. Walker (TX)
Norman J. Watson (NC)
Charles T. Whitehead (NC)

The drivers were included in docket numbers FMCSA–2003–16241; FMCSA–2003–16564; FMCSA–2005–22194; FMCSA–2005–22727; FMCSA–2005–23099; FMCSA–2007–0017; FMCSA–2007–0071; FMCSA–2007–27897; FMCSA–2009–0206; FMCSA–2009–0291; FMCSA–2011–0142; FMCSA–2011–0275; FMCSA–2011–0298; FMCSA–2011–0324; FMCSA–2011–0365; FMCSA–2011–0366; FMCSA–2013–0028; FMCSA–2013–0165; FMCSA–2013–0166; FMCSA–2013–0167; FMCSA–2013–0168; FMCSA–2013–0169; FMCSA–2013–0170; FMCSA–2013–0174; FMCSA–2015–0070; FMCSA–2015–0071; FMCSA–2015–0072; FMCSA–2015–0344; FMCSA–2015–0345; FMCSA–2015–0348. Their exemptions are applicable as of April 12, 2018, and will expire on April 12, 2020.

As of April 14, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following ten individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (64 FR 54948; 64 FR 68195; 65 FR 159; 65 FR 20251; 67 FR 10475; 67 FR 17102; 69 FR 17267; 69 FR 8260; 71 FR 4194; 71 FR 5105; 71 FR 6824; 71 FR 6826; 71 FR 13450; 71 FR 16410; 71 FR 19600; 71 FR 19602; 73 FR 11989; 75 FR 1835; 75 FR 9482; 75 FR 13653; 77 FR 17107; 79 FR 18391; 81 FR 20435):

Nick D. Bacon (KY)
Mark A. Baisden (OH)
Curtis J. Crowston (ND)
Rupert G. Gilmore, III (AL)
Albert L. Gschwind (WI)
Walter R. Hardiman (WV)
Michael W. Jones (IL)
Matthew J. Konecki (MT)
Joseph S. Nix, IV (MO)
Robert V. Sloan (NC)

The drivers were included in docket numbers FMCSA–1999–6165; FMCSA–1999–6480; FMCSA–2005–23099; FMCSA–2005–23238; FMCSA–2006–23773; FMCSA–2009–0321. Their exemptions are applicable as of April 14, 2018, and will expire on April 14, 2020.

As of April 16, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 14 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (81 FR 14190; 81 FR 39100):

William H. Brence (SD)
Jaime V. Cavazos (TX)
Jacob Dehoyos (NM)
Larry D. Fulk (MO)
Darrell K. Harber (MO)
Robert E. Holbrook (TN)
Maurice L. Kinney (PA)
Richard R. Krafczynski (PA)
Michael S. McHale (PA)
Darin P. Milton (TN)
Dakota J. Papsun (PA)
William J. Powell (KY)
Richard R. Vonderohe (IA)
William J. Watts (MT)

The drivers were included in docket number FMCSA–2015–0350. Their exemptions are applicable as of April 16, 2018, and will expire on April 16, 2020.

As of April 17, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (77 FR 19749; 77 FR 22838; 79 FR 15794; 81 FR 20435): Gilbert M. Rosas, (AZ); Kim A. Shaffer, (PA). The drivers were included in docket number FMCSA–2011–0378. Their exemptions are applicable as of April 17, 2018, and will expire on April 17, 2020.

As of April 18, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 12 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (79 FR 10606; 79 FR 10607; 79 FR 10608; 79 FR 10609; 79 FR 10610; 79 FR 10611; 79 FR 22003; 81 FR 20435; 81 FR 28131):

Thomas R. Abbott (TN)
Thomas Benavidez, Jr. (ID)
Gary A. Budde (IL)
David L. Dykes (FL)
Daniel Fedder (IL)
Mark La Fleur (MD)
Dennis A. Lindner (MN)
Michael Nichols (GA)
Dino J. Pires (CT)
Anthony S. Poindexter (MD)
John B. Theres (IL)
Robert S. Waltz (ME)

The drivers were included in docket number FMCSA–2014–0002. Their exemptions are applicable as of April 18, 2018, and will expire on April 18, 2020.

As of April 23, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (68 FR 74669; 69 FR 10503; 71 FR 6829; 73 FR 6242; 73 FR 15254; 73 FR 16950; 75 FR 20881; 77 FR 17115; 79 FR 17641; 81 FR 20435): Thomas R. Hedden, (IL); Douglas A. Mendoza, (MD):

The drivers were included in docket numbers FMCSA–2003–16564; FMCSA–2007–0071. Their exemptions are applicable as of April 23, 2018, and will expire on April 23, 2020.

As of April 27, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following six individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (75 FR 9480; 75 FR 22176; 77 FR 17108; 79 FR 17642; 79 FR 17643; 81 FR 20435):

Chad L. Burnham (ME)
David A. Christenson (NV)
Paul K. Leger (NH)
Martin L. Reyes (IL)
Gerald L. Rush, Jr. (NJ)
Larry W. Winkler (MO)

The drivers were included in docket number FMCSA–2009–0011. Their exemptions are applicable as of April 27, 2018, and will expire on April 27, 2020.

As of April 28, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (81 FR 17237; 81 FR 52516):

Lee R. Boykin (TX)
Steven W. Day (MO)
Roger M. Dunaway (KY)
Hugo N. Guitterrez (IN)
William J. Kanaris (NY)
Ronnie L. McHugh (KS)
Donald P. Ruckinger (PA)
Eddie Walker (NC)
Trent Wipf (SD)

The drivers were included in docket number FMCSA–2015–0351. Their exemptions are applicable as of April 28, 2018, and will expire on April 28, 2020.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: June 11, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–13002 Filed 6–15–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2018–0098]

Request for Comments of a Previously Approved Information Collection: Application for Conveyance of Port Facility Property

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published in the **Federal Register** on April 11, 2018 (Volume 83, Number 70; Page 15668).

DATES: Comments must be submitted on or before July 18, 2018.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mr. Linden Houston, Maritime Administration, 1200 New Jersey Avenue SE, W21–203, Washington, DC 20590. Telephone: 202–366–4839; or email *Linden.Houston@dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application for Conveyance of Port Facility Property, formerly, Port Facility Conveyance Information.

OMB Control Number: 2133–0524.

Type of Request: Renewal of a Previously Approved Information Collection.

Abstract: Public Law 103–160, which is included in 40 U.S.C. 554 authorizes the Department of Transportation to convey to public entities surplus Federal property needed for the development or operation of a port facility. The information collection will allow MARAD to approve the conveyance of property and administer the port facility conveyance program.

Affected Public: Eligible state and local public entities.

Estimated Number of Respondents: 13.

Estimated Number of Responses: 13.

Annual Estimated Total Annual Burden Hours: 572.

Frequency of Response: Annually.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93.

* * * * *

By Order of the Maritime Administrator.

Dated: June 13, 2018.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2018–12993 Filed 6–15–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2018–0097]

Request for Comments on the Renewal of a Previously Approved Information Collection: Shipbuilding Orderbook and Shipyard Employment

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. MARAD collects this information from the shipbuilding and ship repair industry primarily to

determine if an adequate mobilization base exists for national defense and for use in a national emergency. A Federal Register Notice with a 60-day comment period soliciting comments on the following information collection was published on February 20, 2018.

DATES: Comments must be submitted on or before July 18, 2018.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW, Washington, DC 20503.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department 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: Elizabeth Gearhart, Telephone: 202–366–1867; or email: *beth.gearhart@dot.gov,* Maritime Administration, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Title: Shipbuilding Orderbook and Shipyard Employment.

OMB Control Number: 2133–0029.

Type of Request: Renewal of a Previously Approved Information Collection.

Abstract: In compliance with 46 U.S.C. 50102 (2007), the Merchant Marine Act of 1936, as amended, MARAD conducts this survey to obtain information from the shipbuilding and ship repair industry to be used primarily to determine, if an adequate mobilization base exists for national defense and for use in a national emergency.

Respondents: Owners of U.S. shipyards who agree to complete the requested information.

Affected Public: Owners of U.S. shipyards who agree to complete the requested information.

Estimated Number of Respondents: 200.

Estimated Number of Responses: 200.

Estimated Hours per Response: 30 minutes.

Annual Estimated Total Annual Burden Hours: 100.

Frequency of Response: Annually.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93)

* * * * *

By Order of the Maritime Administrator.

Dated: June 13, 2018.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2018–12994 Filed 6–15–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Agency Information Collection Activity: Program of Comprehensive Assistance for Family Caregivers (PCAFC)

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Health Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each new approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 17, 2018.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Brian McCarthy, Office of Regulatory and Administrative Affairs (10B4), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *Brian.McCarthy4@va.gov.* Please refer to ''OMB Control No. 2900–NEW'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Brian McCarthy at (202) 615–9241.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 111–163; 38 U.S.C., Part I, Chapter 5, Section 527.

Title: Program of Comprehensive Assistance for Family Caregivers (PCAFC).

OMB Control Number: 2900–NEW.

Type of Review: New collection.

Abstract: Public Law 111–163, Caregivers and Veterans Omnibus Health Services Act of 2010 authorized the Department of Veteran Affairs to implement the Program of Comprehensive Assistance for Family Caregivers (PCAFC). The resultant data from the individual Veteran and caregiver satisfaction surveys will be used to inform VA with an overall gauge of satisfaction with PCAFC participants and will assist in the identification of possible future program improvements. The surveys will solicit voluntary opinions and are not intended to collect information required to obtain or maintain eligibility for a Department of Veterans Affairs (VA) program or benefit.

Affected Public: Individuals and households.

Estimated Annual Burden:

Veteran Survey: 6,750 hours.

Caregiver Survey: 7,000 hours.

Estimated Average Burden per Respondent:

Veteran Survey: 15 minutes.

Caregiver Survey: 15 minutes.

Frequency of Response: Once.

Estimated Number of Respondents:

Veteran Survey: 27,000.

Caregiver Survey: 28,000.

By direction of the Secretary.

Cynthia D. Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–13026 Filed 6–15–18; 8:45 am]

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