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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 932

[Doc. No. AMS–SC–18–0001; SC18–932–1 FR]

Olives Grown in California; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule implements a recommendation from the California Olive Committee (Committee) to decrease the assessment rate established for the 2018 fiscal period for olives grown in California. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Effective July 20, 2018.

FOR FURTHER INFORMATION CONTACT: Peter Sommers, Marketing Specialist, or Jeffrey Smutny, Regional Director, California Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906, or Email: *PeterR.Sommers@ams.usda.gov* or *Jeffrey.Smutny@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Richard.Lower@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, amends regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This rule is issued under Marketing Agreement and Order No. 932, as amended (7 CFR part 932), regulating the handling of olives grown in California. Part 932 (referred to as the ''Order'') is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' The Committee locally administers the Order and is comprised of producers and handlers of olives operating within the area of production.

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Orders 13563 and 13175. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review. Additionally, because this rule does not meet the definition of a significant regulatory action, it does not trigger the requirements contained in Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the Order now in effect, California olive handlers are subject to assessments. Funds to administer the Order are derived from such assessments. It is intended that the assessment rate as established herein would be applicable to all assessable olives beginning on January 1, 2018, and continue until amended, suspended, or terminated.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule decreases the assessment rate established for the 2018 and subsequent fiscal periods from $26.00 to $24.00 per ton of assessed olives.

The Order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of olives in California. They are familiar with the Committee's needs, with the costs for goods and services in their local area, and are therefore in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated in a public meeting where all directly affected persons have an opportunity to participate and provide input.

For the 2015 and subsequent fiscal years, the Committee recommended, and USDA approved, an assessment rate of $26.00 per ton of assessed olives. That rate would continue in effect unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other information available to USDA.

The Committee met on December 13, 2017, and unanimously recommended 2018 expenditures of $1,940,477, and an assessment rate of $24.00 per ton of assessed olives. In comparison, last year's budgeted expenditures were $1,752,366. The assessment rate of $24.00 is $2.00 lower than the rate currently in effect. Handlers received 83,799 tons of assessable olives during the 2017 crop year, which is higher than the 63,000 tons of assessable olives received during the 2016 crop year. The 2018 fiscal year assessment rate decrease is necessary to ensure the Committee has sufficient revenue to fund the recommended 2018 budgeted expenditures while ensuring the funds in the financial reserve would be kept within the maximum permitted by § 932.40.

The Order has a fiscal year and a crop year that are independent of each other. The crop year is a 12-month period that begins on August 1 of each year and ends on July 31 of the following year. The fiscal year is the 12-month period that begins on January 1 and ends on December 31 of each year. Olives are an alternate-bearing crop, with a small crop followed by a large crop. For the

Committee's assessment rate, the actual 2017 crop year receipts are used to determine the assessment rate for the 2018 fiscal year.

The major expenditures recommended by the Committee for 2018 includes $401,200 for program administration, $973,500 for marketing activities, and $297,777 for research. Budgeted expenses for these items during the 2017 fiscal year were $513,100 for program administration, $823,500 for marketing activities, and $317,766 for research. The assessment rate recommended by the Committee resulted from consideration of proposed fiscal year expenses, actual olive tonnage received by handlers during the 2017 crop year, and the amount of funds in the Committee's financial reserve.

Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the reserve will be kept within the maximum permitted by the Order of approximately one fiscal year's expenses.

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate will be effective for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or USDA. Committee meetings are open to the public, and interested persons are encouraged to express their views at these meetings. USDA will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's budget for fiscal year 2018 and those for subsequent fiscal periods will be reviewed and, as appropriate, approved by USDA.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 1,100 producers of olives in the production area and two handlers subject to regulation under the Order. Small agricultural producers are defined by the Small Business Administration (SBA) as those having annual receipts less than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $7,500,000 (13 CFR 121.201). Based upon National Agricultural Statistics Service (NASS) information, the average price to producers for the 2016 crop year was $865.00 per ton, and total assessable volume for the 2017 crop year was 83,799 tons. Based on production, price paid to producer, and the total number of California olive producers, the average annual producer revenue is less than $750,000 ($865.00 times 83,799 equals $72,486,135, divided by 1,100 producers equals an average annual producer revenue of $65,896). Thus, the majority of olive producers may be classified as small entities. Both of the handlers may be classified as large entities under the SBA's definitions because their annual receipts are greater than $7,500,000.

This rule decreases the assessment rate collected from handlers for the 2018 and subsequent fiscal years from $26.00 to $24.00 per ton of assessable olives. The Committee unanimously recommended 2018 expenditures of $1,940,477 and an assessment rate of $24.00 per ton of assessable olives. The recommended assessment rate of $24.00 is $2.00 lower than the 2017 rate. The quantity of assessable olives for the 2017 crop year is 83,799 tons, which should provide $2,011,176 in assessment income. The lower assessment rate is possible because annual receipts for the 2017 crop year are 83,799 tons compared to 63,000 tons for the 2016 crop year. Olives are an alternate-bearing crop, with a small crop followed by a large crop. Income derived from the $24.00 per ton assessment rate, along with funds from the authorized reserve and interest income, should be adequate to meet this fiscal year's expenses.

The major expenditures recommended by the Committee for the 2018 fiscal year include $401,200 for program administration, $973,500 for marketing activities, and $297,777 for research. Budgeted expenses for these items during the 2017 fiscal year were $513,100 for program administration, $823,500 for marketing activities, and $317,766 for research.

Prior to arriving at this budget and assessment rate, the Committee considered information from various sources including the Committee's Executive, Marketing, Inspection, and Research Subcommittees. Alternate expenditure levels were discussed by these groups, based upon the relative value of various projects to the olive industry and the increased olive production. The assessment rate of $24.00 per ton of assessable olives was derived by considering anticipated expenses, the volume of assessable olives, and additional pertinent factors.

A review of NASS information indicates that the average producer price for the 2016 crop year was $865.00 per ton. Therefore, utilizing the assessment rate of $24.00 per ton, the assessment revenue for the 2018 fiscal year as a percentage of total producer revenue would be approximately 2.77 percent.

This action decreases the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate reduces the burden on handlers, and may reduce the burden on producers.

In addition, the Committee's meeting was widely publicized throughout the production area. The olive industry and all interested persons were invited to attend the meeting and encouraged to participate in Committee deliberations on all issues. Like all Committee meetings, the December 13, 2017, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Order's information collection requirements have been previously approved by OMB and assigned OMB No. 0581–0189, Fruit Crops. No changes in those requirements are necessary as a result of this action. Should any changes become necessary, they would be submitted to OMB for approval.

This rule imposes no additional reporting or recordkeeping requirements on either small or large California olive handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public

sector agencies. As mentioned in the initial regulatory flexibility analysis, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this final rule.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this action.

A proposed rule concerning this action was published in the **Federal Register** on April 4, 2018 (83 FR 14379). A copy of the proposed rule was provided to the handlers by the Committee. Finally, the proposal was made available through the internet by USDA and the Office of the Federal Register. A 30-day comment period ending May 4, 2018, was provided for interested persons to respond to the proposal. No comments were received. The proposal also contained administrative revisions to the Order's subpart headings to bring the language into conformance with the Office of Federal Register requirements. Those revisions are not included in this rule as they were included in a technical amendment final rule published in the **Federal Register** on April 6, 2018 (83 FR 14736).

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/rules-regulations/moa/small-businesses.* Any questions about the compliance guide should be sent to Richard Lower at the previously-mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 932

Marketing agreements, Olives, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 932 is amended as follows:

PART 932—OLIVES GROWN IN CALIFORNIA

■ 1. The authority citation for part 932 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 932.230 is revised to read as follows:

§ 932.230 Assessment rate.

On and after January 1, 2018, an assessment rate of $24.00 per ton is established for California olives.

Dated: June 15, 2018.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2018–13271 Filed 6–19–18; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 981

[Doc. No. AMS–SC–17–0084; SC18–981–1 FR]

Almonds Grown in California; Revision to the Adjusted Kernel Weight Computation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule implements a recommendation from the Almond Board of California (Board) to revise the adjusted kernel weight computation currently prescribed under the Marketing Order for almonds grown in California. In addition, this action allows adjustments to the calculated percentages for foreign material, excess moisture, or inedible kernels so that the sum of the percentages for the specified measurements equals 100 percent.

DATES: Effective July 20, 2018.

FOR FURTHER INFORMATION CONTACT: Andrea Ricci, Marketing Specialist, or Jeffrey Smutny, Regional Director, California Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906, or Email: *Andrea.Ricci@ams.usda.gov* or *Jeffrey.Smutny@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Richard.Lower@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This final rule, pursuant to 5 U.S.C. 553, amends regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This final rule is issued under Marketing Order No. 981, as amended (7 CFR part 981), regulating the handling of almonds grown in California. Part 981 (referred to as the ''Order'') is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' The Board locally administers the Order and is comprised of growers and handlers operating within California.

The Department of Agriculture (USDA) is issuing this final rule in conformance with Executive Orders 13563 and 13175. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review. Additionally, because this final rule does not meet the definition of a significant regulatory action, it does not trigger the requirements contained in Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This final rule is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This final rule changes the way adjusted kernel weight is expressed by requiring calculation of percentages for specified measurements to round the decimal to the nearest thousandth rather than the current hundredth. In addition, this final rule allows adjustments to the calculated percentages for foreign material, excess moisture, or inedible kernels so that the sum of the percentages for the specified measurements equals 100 percent. The Board unanimously recommended these

changes at its December 4, 2017, meeting.

Section 981.42 provides authority for quality control regulations. Paragraph (a) of that section requires that each handler shall have the inspection agency determine the percentage of inedible kernels received by that handler and report such determination to the Board.

Section 981.442(a)(1) prescribes that each handler shall have a representative sample drawn from each lot of any variety of incoming almonds that the handler receives. Section 981.442(a)(3) prescribes that each such sample shall be analyzed by or under surveillance of the Federal-State Inspection Service (or, when specifically designated, the Federal Inspection Service) to determine the kernel content and the portion of inedible kernels in the sample. The inspection agency prepares a report showing, among other things, the total adjusted kernel weight. This report is submitted by the inspection agency to the Board and the handler.

Section 981.401(a) defines adjusted kernel weight. Section 981.401(b) provides examples of the computation that is used to determine adjusted kernel weight. This computation includes a calculation of percentages for specified measurements of edible kernels, inedible kernels, foreign material, and excess moisture. The table of examples contained in § 981.401(b) shows percentages rounded to the nearest tenth and the nearest hundredth decimal place. However, in practice, the calculated percentages are currently being rounded to the nearest hundredth decimal place.

Currently, the inspection agency utilizes a computer-based database program that computes and totals the percentages for the specified measurements. As part of the program's computation process, it automatically makes adjustments, when needed, so that the total of the percentages equals 100 percent. This program has been used for several years, and the industry is accustomed to receiving reports from the inspection agency that show the 100-percent summed total.

In early 2017, the USDA inspection service began testing a new web-based program that will replace the computer-based program described above. During this testing, USDA discovered that, due to the rounding method used by the new program, the sum of the percentages occasionally did not equal 100 percent. It was further determined during testing that having the new program round the decimal to the nearest thousandth, rather than the nearest hundredth as currently provided in the Order, would produce more accurate results.

The new program also makes automatic minor adjustments to the percentage computations for foreign material, excess moisture, or inedible kernels so that the sum of the percentages always equals 100 percent. This allowance for automatic adjustments of these specified measurements aligns with industry practice that has existed for many years.

As a result of these test results, the Board determined that rounding the decimal to the nearest thousandth rather than the current hundredth provides a more accurate computed percentage. In addition, allowing the program to make adjustments to the calculated percentages for foreign material, excess moisture, or inedible kernels aligns the requirements under the Order with current industry practices, ensuring the continuance of longstanding reporting practices and transparency in the program.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 6,800 almond growers in the production area and approximately 100 almond handlers subject to regulation under the Order. Small agricultural service firms are defined by the Small Business Administration (SBA) as those having annual receipts of less than $7,500,000, and small agricultural producers are defined as those having annual receipts of less than $750,000 (13 CFR 121.201).

The National Agricultural Statistics Service (NASS) reported in its most recent (2012) Agricultural Census that there were 6,841 almond farms in the production area (California), of which 6,204 had bearing acres. The following computation provides an estimate of the proportion of agricultural producers (farms) and agricultural service firms (handlers) that would be considered small under the SBA definitions.

The NASS Census data indicates that out of the 6,204 California farms with bearing acres of almonds, 4,471 (72 percent) have fewer than 100 bearing acres.

For the almond industry's most recently reported crop year (2016), NASS reported an average yield of 2,280 pounds per acre and a season average grower price of $2.44 per pound. A 100-acre farm with an average yield of 2,280 pounds per acre would produce about 228,000 pounds of almonds. At $2.44 per pound, that farm's production would be valued at $556,320. The Census of Agriculture indicates that the majority of California's almond farms are smaller than 100 acres; therefore, it could be concluded that the majority of growers had annual receipts from the sale of almonds in 2016–17 of less than $556,320, which is below the SBA threshold of $750,000. Thus, over 70 percent of California's almond growers would be classified as small growers according to SBA's definition.

To estimate the proportion of almond handlers that would be considered small businesses, it was assumed that the unit value per shelled pound of almonds exported in a particular year could serve as a representative almond price at the handler level. A unit value for a commodity is the value of exports divided by the quantity. Data from the Global Agricultural Trade System database of USDA's Foreign Agricultural Service showed that the value of almond exports from August 2016 to July 2017 (combining shelled and inshell almonds) was $4.072 billion. The quantity of almond exports over that time period was 1.406 billion pounds, combining shelled exports and the shelled equivalent of inshell exports. Dividing the export value by the quantity yields a unit value of $2.90 per pound. Subtracting this figure from the NASS 2016 estimate of season average grower price per pound ($2.44) yields $0.46 per pound as a representative grower-handler margin. Applying the $2.90 representative handler price per pound to 2016–17 handler shipment quantities provided by the Board showed that approximately 40 percent of California's almond handlers shipped almonds valued under $7,500,000 during the 2016–17 crop year and would therefore be considered small handlers according to the SBA definition.

This final rule revises the adjusted kernel weight computation in § 981.401 by requiring calculation of the percentages for specified measurements to round the decimal to the nearest thousandth rather than the current hundredth. In addition, this action

allows adjustments to the calculated percentages for foreign material, excess moisture, or inedible kernels so that the sum of the percentages for the specified measurements equals 100 percent. Requiring rounding of the decimal to the nearest thousandth provides for a more accurate computed percentage. In addition, allowing adjustments to the foreign material, excess moisture, or inedible kernel measurements aligns the Order with current industry practices, ensuring the continuance of longstanding reporting practices and transparency in the program. Authority for this action is provided in § 981.42(a). The Board recommended this action at a meeting on December 4, 2017.

It is not anticipated that this action would impose additional costs on handlers or growers, regardless of size. The changes are intended to align provisions of the Order with current industry practices. This final rule is not expected to change handler inspection costs, as handlers are currently required to have all lots inspected to determine kernel content.

The Board considered alternatives to this action, including not changing the current computation procedures. Prior to this recommendation, the Board's Almond Quality, Food Safety and Services Committee (Committee) reviewed the program, surveyed handlers, and determined that not changing the computation procedures to align with current industry practices would cause disruption in the industry. Therefore, the Committee unanimously recommended this action to the Board at a meeting on November 16, 2017.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Order's information collection requirements have been previously approved by OMB and assigned OMB No. 0581–0178 (Vegetable and Specialty Crops). No changes are necessary in those requirements as a result of this action. Should any changes become necessary, they would be submitted to OMB for approval.

This final rule imposes no additional reporting or recordkeeping requirements on either small or large almond handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this final rule.

Further, the Board's meeting was widely publicized throughout the almond industry, and all interested persons were invited to attend the meeting and participate in Board deliberations. Like all Board meetings, the December 4, 2017, meeting was a public meeting, and all entities, both large and small, were able to express their views on this issue.

Also, the Board has a number of appointed committees to review certain issues and make recommendations to the Board. The Committee met on November 16, 2017, and discussed this issue in detail. That meeting was also a public meeting, and both large and small entities were able to participate and express their views.

A proposed rule concerning this action was published in the **Federal Register** on April 20, 2018 (83 FR 17506). Copies of the rule were made available to all members of the Board and all California almond growers and handlers. Finally, the rule was made available through the internet by USDA and the Office of the Federal Register. A 30-day comment period ending May 21, 2018, was provided to allow interested persons to respond to the proposal. No comments were received. Accordingly, no changes will be made to the rule as proposed.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/rules-regulations/moa/small-businesses.* Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant matters presented, including the information and recommendation submitted by the Board and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 981

Almonds, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 981 is amended as follows:

PART 981—ALMONDS GROWN IN CALIFORNIA

■ 1. The authority citation for 7 CFR part 981 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. In § 981.401, revise the table in paragraph (b) and add paragraph (c) to read as follows:

§ 981.401 Adjusted kernel weight.

* * * * *

(b) * * *

	Computation number 1		Computation number 2	
	Deliveries with less than 95 percent kernels		Deliveries with 95 percent or more kernels	
	Percent of sample	Weight (pounds)	Percent of sample	Weight (pounds)
1. Actual gross weight of delivery		10,000		10,000
2. Percent of edible kernel weight	53.000		84.000	
3. Less weight loss in processing [1]	1.000		0.000	
4. Less excess moisture of edible kernels (excess moisture × line 2)	1.060		1.680	
5. Net percent shell out (line 2 − lines 3 and 4)	50.940		82.320	
6. Net edible kernels (line 5 × line 1)		5,094		8,232
7. Percent of inedible kernels (from sample)	12.000		12.000	
8. Less excess moisture of inedible kernels (excess moisture from sample × line 7)	0.240		0.240	
9. Net percent inedible kernels (line 7 − line 8)	11.760		11.760	
10. Total inedible kernels (line 9 × line 1)		1,176		1,176

	Computation number 1		Computation number 2	
	Deliveries with less than 95 percent kernels		Deliveries with 95 percent or more kernels	
	Percent of sample	Weight (pounds)	Percent of sample	Weight (pounds)
11. Adjusted kernel weight (line 6 + line 10)		6,270		9,408

[1] Only applies to deliveries with less than 95 percent kernels.

(c) *Computation adjustments.* If applicable, adjustments shall be made by rounding such that the sample computation percentages total equals 100 percent. Rounding adjustments shall be made as follows: First adjust the foreign material percentage; if there is no foreign material in the sample, then adjust the excess moisture percentage; or if there is no foreign material or excess moisture in the sample, adjust the inedible kernels percentage.

Dated: June 15, 2018.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2018–13272 Filed 6–19–18; 8:45 am]

BILLING CODE 3410–02–P

FEDERAL RESERVE SYSTEM

12 CFR Part 201

[Docket No. R–1611]

RIN 7100–AF 07

Regulation A: Extensions of Credit by Federal Reserve Banks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System (''Board'') has adopted final amendments to its Regulation A to reflect the Board's approval of an increase in the rate for primary credit at each Federal Reserve Bank. The secondary credit rate at each Reserve Bank automatically increased by formula as a result of the Board's primary credit rate action.

DATES:

Effective date: The amendments to part 201 (Regulation A) are effective June 20, 2018.

Applicability date: The rate changes for primary and secondary credit were applicable on June 14, 2018.

FOR FURTHER INFORMATION CONTACT: Sophia Allison, Special Counsel (202–452–3565), or Clinton Chen, Senior Attorney (202–452–3952), Legal Division, or Lyle Kumasaka, Senior Financial Analyst (202–452–2382), or Thomas Keating, Financial Analyst (202–973–7401), Division of Monetary Affairs; for the hearing impaired, Telecommunications Device for the Deaf (TDD) 202–263–4869; Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: The Federal Reserve Banks make primary and secondary credit available to depository institutions as a backup source of funding on a short-term basis, usually overnight. The primary and secondary credit rates are the interest rates that the twelve Federal Reserve Banks charge for extensions of credit under these programs. In accordance with the Federal Reserve Act, the primary and secondary credit rates are established by the boards of directors of the Federal Reserve Banks, subject to the review and determination of the Board.

On June 13, 2018, the Board voted to approve a ¼ percentage point increase in the primary credit rate in effect at each of the twelve Federal Reserve Banks, thereby increasing from 2.25 percent to 2.50 percent the rate that each Reserve Bank charges for extensions of primary credit. In addition, the Board had previously approved the renewal of the secondary credit rate formula, the primary credit rate plus 50 basis points. Under the formula, the secondary credit rate in effect at each of the twelve Federal Reserve Banks increased by ¼ percentage point as a result of the Board's primary credit rate action, thereby increasing from 2.75 percent to 3.00 percent the rate that each Reserve Bank charges for extensions of secondary credit. The amendments to Regulation A reflect these rate changes.

The ¼ percentage point increase in the primary credit rate was associated with an increase in the target range for the federal funds rate (from a target range of 1½ to 1¾ percent to a target range of 1¾ to 2 percent) announced by the Federal Open Market Committee on June 13, 2018, as described in the Board's amendment of its Regulation D published elsewhere in today's **Federal Register**.

Administrative Procedure Act

In general, the Administrative Procedure Act (''APA'') [1] imposes three principal requirements when an agency promulgates legislative rules (rules made pursuant to congressionally delegated authority): (1) Publication with adequate notice of a proposed rule; (2) followed by a meaningful opportunity for the public to comment on the rule's content; and (3) publication of the final rule not less than 30 days before its effective date. The APA provides that notice and comment procedures do not apply if the agency for good cause finds them to be ''unnecessary, impracticable, or contrary to the public interest.'' [2] Section 553(d) of the APA also provides that publication at least 30 days prior to a rule's effective date is not required for (1) a substantive rule which grants or recognizes an exemption or relieves a restriction; (2) interpretive rules and statements of policy; or (3) a rule for which the agency finds good cause for shortened notice and publishes its reasoning with the rule.[3] The APA further provides that the notice, public comment, and delayed effective date requirements of 5 U.S.C. 553 do not apply ''to the extent that there is involved . . . a matter relating to agency management or personnel or to public property, *loans,* grants, benefits, or contracts.'' [4]

Regulation A establishes the interest rates that the twelve Reserve Banks charge for extensions of primary credit and secondary credit. The Board has determined that the notice, public comment, and delayed effective date requirements of the APA do not apply to these final amendments to Regulation A for several reasons. The amendments involve a matter relating to loans and are therefore exempt under the terms of the APA. In addition, the Board has determined that notice, public comment, and delayed effective date would be unnecessary and contrary to the public interest because delay in implementation of changes to the rates

[1] 5 U.S.C. 551 *et seq.*

[2] 5 U.S.C. 553(b)(3)(A).

[3] 5 U.S.C. 553(d).

[4] 5 U.S.C. 553(a)(2) (emphasis added).

charged on primary credit and secondary credit would permit insured depository institutions to profit improperly from the difference in the current rate and the announced increased rate. Finally, because delay would undermine the Board's action in responding to economic data and conditions, the Board has determined that ''good cause'' exists within the meaning of the APA to dispense with the notice, public comment, and delayed effective date procedures of the APA with respect to the final amendments to Regulation A.

Regulatory Flexibility Analysis

The Regulatory Flexibility Act (''RFA'') does not apply to a rulemaking where a general notice of proposed rulemaking is not required.[5] As noted previously, a general notice of proposed rulemaking is not required if the final rule involves a matter relating to loans. Furthermore, the Board has determined that it is unnecessary and contrary to the public interest to publish a general notice of proposed rulemaking for this final rule. Accordingly, the RFA's requirements relating to an initial and final regulatory flexibility analysis do not apply.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act (''PRA'') of 1995,[6] the Board reviewed the final rule under the authority delegated to the Board by the Office of Management and Budget. The final rule contains no requirements subject to the PRA.

List of Subjects in 12 CFR Part 201

Banks, Banking, Federal Reserve System, Reporting and recordkeeping.

Authority and Issuance

For the reasons set forth in the preamble, the Board is amending 12 CFR part 201 to read as follows:

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS (REGULATION A)

■ 1. The authority citation for part 201 continues to read as follows:

Authority: 12 U.S.C. 248(i)–(j) and (s), 343 *et seq.,* 347a, 347b, 347c, 348 *et seq.,* 357, 374, 374a, and 461.

■ 2. In § 201.51, paragraphs (a) and (b) are revised to read as follows:

§ 201.51 Interest rates applicable to credit extended by a Federal Reserve Bank.[7]

(a) *Primary credit.* The interest rate at each Federal Reserve Bank for primary credit provided to depository institutions under § 201.4(a) is 2.50 percent.

(b) *Secondary credit.* The interest rate at each Federal Reserve Bank for secondary credit provided to depository institutions under § 201.4(b) is 3.00 percent.

* * * * *

By order of the Board of Governors of the Federal Reserve System, June 15, 2018.

Ann Misback,

Secretary of the Board.

[FR Doc. 2018–13270 Filed 6–19–18; 8:45 am]

BILLING CODE P

[5] 5 U.S.C. 603 and 604.

[6] 44 U.S.C. 3506; see 5 CFR part 1320 Appendix A.1.

[7] The primary, secondary, and seasonal credit rates described in this section apply to both advances and discounts made under the primary, secondary, and seasonal credit programs, respectively.

FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Docket No. R–1610]

RIN 7100–AF08

Regulation D: Reserve Requirements of Depository Institutions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System (''Board'') is amending Regulation D (Reserve Requirements of Depository Institutions) to revise the rate of interest paid on balances maintained to satisfy reserve balance requirements (''IORR'') and the rate of interest paid on excess balances (''IOER'') maintained at Federal Reserve Banks by or on behalf of eligible institutions. The final amendments specify that IORR is 1.95 percent and IOER is 1.95 percent, a 0.20 percentage point increase from their prior levels. The amendments are intended to enhance the role of such rates of interest in moving the Federal funds rate into the target range established by the Federal Open Market Committee (''FOMC'' or ''Committee'').

DATES:

Effective date: The amendments to part 204 (Regulation D) are effective June 20, 2018.

Applicability date: The IORR and IOER rate changes were applicable on June 14, 2018.

FOR FURTHER INFORMATION CONTACT: Sophia Allison, Special Counsel (202–452–3565), or Clinton Chen, Senior Attorney (202–452–3952), Legal Division, or Thomas Keating, Financial Analyst (202–973–7401), or Heather Wiggins, Section Chief (202–452–3674), Division of Monetary Affairs; for the hearing impaired, Telecommunications Device for the Deaf (TDD) 202–263–4869; Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

I. Statutory and Regulatory Background

For monetary policy purposes, section 19 of the Federal Reserve Act (''the Act'') imposes reserve requirements on certain types of deposits and other liabilities of depository institutions.[1] Regulation D, which implements section 19 of the Act, requires that a depository institution meet reserve requirements by holding cash in its vault, or if vault cash is insufficient, by maintaining a balance in an account at a Federal Reserve Bank (''Reserve Bank'').[2] Section 19 also provides that balances maintained by or on behalf of certain institutions in an account at a Reserve Bank may receive earnings to be paid by the Reserve Bank at least once each quarter, at a rate or rates not to exceed the general level of short-term interest rates.[3] Institutions that are eligible to receive earnings on their balances held at Reserve Banks (''eligible institutions'') include depository institutions and certain other institutions.[4] Section 19 also provides that the Board may prescribe regulations concerning the payment of earnings on balances at a Reserve Bank.[5] Prior to these amendments, Regulation D specified a rate of 1.75 percent for both IORR and IOER.[6]

II. Amendments to IORR and IOER

The Board is amending § 204.10(b)(5) of Regulation D to specify that IORR is 1.95 percent and IOER is 1.95 percent. This 0.20 percentage point increase in the IORR and IOER was associated with an increase in the target range for the federal funds rate, from a target range of 1½ to 1¾ percent to a target range of 1¾ to 2 percent, announced by the FOMC on June 13, 2018, with an effective date of June 14, 2018. The FOMC's press release on the same day as the announcement noted that:

Information received since the Federal Open Market Committee met in May

[1] 12 U.S.C. 461(b).

[2] 12 CFR 204.5(a)(1).

[3] 12 U.S.C. 461(b)(1)(A) & (b)(12)(A).

[4] See 12 U.S.C. 461(b)(1)(A) & (b)(12)(C); see also 12 CFR 204.2(y).

[5] See 12 U.S.C. 461(b)(12)(B).

[6] See 12 CFR 204.10(b)(5).

indicates that the labor market has continued to strengthen and that economic activity has been rising at a solid rate. Job gains have been strong, on average, in recent months, and the unemployment rate has declined. Recent data suggest that growth of household spending has picked up, while business fixed investment has continued to grow strongly. On a 12-month basis, both overall inflation and inflation for items other than food and energy have moved close to 2 percent. Indicators of longer-term inflation expectations are little changed, on balance.

Consistent with its statutory mandate, the Committee seeks to foster maximum employment and price stability. The Committee expects that further gradual increases in the target range for the federal funds rate will be consistent with sustained expansion of economic activity, strong labor market conditions, and inflation near the Committee's symmetric 2 percent objective over the medium term. Risks to the economic outlook appear roughly balanced.

In view of realized and expected labor market conditions and inflation, the Committee decided to raise the target range for the federal funds rate to 1¾ to 2 percent. The stance of monetary policy remains accommodative, thereby supporting strong labor market conditions and a sustained return to 2 percent inflation.

A Federal Reserve Implementation note released simultaneously with the announcement stated that:

The Board of Governors of the Federal Reserve System voted unanimously to raise the interest rate paid on required and excess reserve balances to 1.95 percent, effective June 14, 2018. Setting the interest rate paid on required and excess reserve balances 5 basis points below the top of the target range for the federal funds rate is intended to foster trading in the federal funds market at rates well within the FOMC's target range.

As a result, the Board is amending § 204.10(b)(5) of Regulation D to change IORR to 1.95 percent and IOER to 1.95 percent.

III. Administrative Procedure Act

In general, the Administrative Procedure Act (''APA'')[7] imposes three principal requirements when an agency promulgates legislative rules (rules made pursuant to congressionally delegated authority): (1) Publication with adequate notice of a proposed rule; (2) followed by a meaningful opportunity for the public to comment on the rule's content; and (3) publication of the final rule not less than 30 days before its effective date. The APA provides that notice and comment procedures do not apply if the agency for good cause finds them to be ''unnecessary, impracticable, or contrary to the public interest.''[8] Section 553(d) of the APA also provides that publication at least 30 days prior to a rule's effective date is not required for (1) a substantive rule which grants or recognizes an exemption or relieves a restriction; (2) interpretive rules and statements of policy; or (3) a rule for which the agency finds good cause for shortened notice and publishes its reasoning with the rule.[9]

The Board has determined that good cause exists for finding that the notice, public comment, and delayed effective date provisions of the APA are unnecessary, impracticable, or contrary to the public interest with respect to these final amendments to Regulation D. The rate increases for IORR and IOER that are reflected in the final amendments to Regulation D were made with a view towards accommodating commerce and business and with regard to their bearing upon the general credit situation of the country. Notice and public comment would prevent the Board's action from being effective as promptly as necessary in the public interest and would not otherwise serve any useful purpose. Notice, public comment, and a delayed effective date would create uncertainty about the finality and effectiveness of the Board's action and undermine the effectiveness of that action. Accordingly, the Board has determined that good cause exists to dispense with the notice, public comment, and delayed effective date procedures of the APA with respect to these final amendments to Regulation D.

IV. Regulatory Flexibility Analysis

The Regulatory Flexibility Act (''RFA'') does not apply to a rulemaking where a general notice of proposed rulemaking is not required.[10] As noted previously, the Board has determined that it is unnecessary and contrary to the public interest to publish a general notice of proposed rulemaking for this final rule. Accordingly, the RFA's requirements relating to an initial and final regulatory flexibility analysis do not apply.

V. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act (''PRA'') of 1995,[11] the Board reviewed the final rule under the authority delegated to the Board by the Office of Management and Budget. The final rule contains no requirements subject to the PRA.

List of Subjects in 12 CFR Part 204

Banks, Banking, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Board amends 12 CFR part 204 as follows:

PART 204—RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS (REGULATION D)

■ 1. The authority citation for part 204 continues to read as follows:

Authority: 12 U.S.C. 248(a), 248(c), 371a, 461, 601, 611, and 3105.

■ 2. Section 204.10 is amended by revising paragraph (b)(5) to read as follows:

§ 204.10 Payment of interest on balances.

* * * * *

(b) * * *

(5) The rates for IORR and IOER are:

	Rate (percent)
IORR	1.95
IOER	1.95

* * * * *

By order of the Board of Governors of the Federal Reserve System, June 15, 2018.

Ann Misback,

Secretary of the Board.

[FR Doc. 2018–13267 Filed 6–19–18; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 11, 404, 405, 420, 431, 435, 437, 460

[Docket No.: FAA–2016–6761; Amdt. Nos. 11–62, 404–6, 405–6, 420–8, 431–6, 435–4, 437–2, 460–2]

RIN 2120–AK76

Updates to Rulemaking and Waiver Procedures and Expansion of the Equivalent Level of Safety Option

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action streamlines and improves commercial space transportation regulations' general rulemaking and petition procedures to better reflect current practice; reorganizes the regulations for clarity and flow; and allows petitioners to file their petitions to the FAA's Office of Commercial Space Transportation electronically. Further, it expands the option to satisfy commercial space transportation requirements by demonstrating an equivalent level of

[7] 5 U.S.C. 551 *et seq.*

[8] 5 U.S.C. 553(b)(3)(A).

[9] 5 U.S.C. 553(d).

[10] 5 U.S.C. 603 and 604.

[11] 44 U.S.C. 3506; see 5 CFR part 1320 Appendix A.1.

safety to the regulatory requirements. These changes are necessary to ensure that the regulations regarding petitions are clear and current, and that the commercial space launch industry is more easily able to request approvals of safe alternative means of regulatory compliance.

DATES: Effective August 20, 2018.

ADDRESSES: For information on where to obtain copies of rulemaking documents and other information related to this final rule, see ''How To Obtain Additional Information'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For questions concerning this action, contact Joshua Easterson, AST–300, Office of Commercial Space Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267–5150; email *Joshua.Easterson@faa.gov.*

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The Commercial Space Launch Act of 1984, as amended and re-codified at 51 U.S.C. 50901–50923 (the Act), authorizes the Department of Transportation and thus the FAA, through delegations, to oversee, license, and regulate commercial launch and reentry activities, and the operation of launch and reentry sites as carried out by U.S. citizens or within the United States. 51 U.S.C. 50904, 50905. The Act directs the FAA to exercise this responsibility consistent with public health and safety, safety of property, and the national security and foreign policy interests of the United States. 51 U.S.C. 50905. The Act directs the FAA to regulate only to the extent necessary to protect the public health and safety, safety of property, and national security and foreign policy interests of the United States. 51 U.S.C. 50901(a)(7). The FAA is also responsible for encouraging, facilitating, and promoting commercial space launches by the private sector. 51 U.S.C. 50903.

I. Overview of Final Rule

The FAA is adopting this final rule to: Streamline the general rulemaking and petition procedures in part 404; clarify how the general rulemaking and petition procedures in part 11 relate to those in part 404, and ensure the procedures reflect current practice; reorganize part 404 to make clear the distinct requirements for petitions for waivers and petitions for rulemaking; amend the title of part 405 to better reflect the content; and expand the equivalent level of safety option so that it applies more broadly throughout 14 CFR chapter III. In addition, this final rule is adopting minor changes to part 11.

This final rule reorganizes part 404 to clarify and streamline the requirements. The reorganization moves the requirements for petitions for waivers and petitions for rulemaking into separate sections but does not substantially change the requirements. Instead, some requirements, as discussed below, were revised for clarity, to remove duplicate information and to ensure current practice is reflected. The reorganization of part 404 as adopted is shown in the below table.

Part 404 Reorganization

Part 404 - Current	Part 404 – As Adopted
PART 404—REGULATIONS AND LICENSING REQUIREMENTS	**PART 404—PETITION AND RULEMAKING PROCEDURES**
Subpart A—General	
§ 404.1 Scope	**§ 404.1 Scope**
§ 404.3 Filing of petitions to the Associate Administrator	**§ 404.3 General**
§ 404.5 Action on petitions	**§ 404.5 Filing a petition for waiver**
	§ 404.7 Action on a petition for waiver
	§ 404.9 Filing a petition for rulemaking
	§ 404.11 Action on a petition for rulemaking
Subpart B—Rulemaking	
§ 404.11 General	
§ 404.13 Petitions for extension of time to comment	**§ 404.13 Rulemaking**
§ 404.15 Consideration of comments received	**§ 404.15 [Removed and Reserved]**
§ 404.17 Additional Rulemaking Procedures	**§ 404.17 Additional Rulemaking Procedures**
§ 404.19 Hearings	**§ 404.19 Hearings**

In addition to reorganizing part 404, this final rule:

- Adds a cross reference in § 11.15 to part 404's commercial space transportation waivers;
- Includes in § 11.63 the correct internet link where petitioners can find additional information on filing their petitions;
- Amends § 404.1 to state that the scope of part 404 ''establishes procedures for issuing regulations and for filing a petition for waiver or petition for rulemaking to the Associate Administrator for Commercial Space Transportation;''
- Revises § 404.3 such that petitioners need only file one copy of their petition to the Office of Commercial Space Transportation (AST) by mailing it to AST's physical address or emailing it to the AST email address provided in § 404.3;
- Removes the requirement in § 404.3 that a petition for rulemaking contain a summary that the FAA may cause to be published in the **Federal Register**;
- Amends § 404.5 to require that the petition must reference the specific section or sections of 14 CFR chapter III from which relief is sought;
- Amends § 404.5 to require that the petition must state the reasons why granting the request for relief is in the public interest and will not jeopardize the public health and safety, safety of property, and national security and foreign policy interests of the United States;
- Amends § 404.7 to state that under 51 U.S.C. 50905(b)(3), the FAA is not authorized to grant a waiver that would permit the launch or reentry of a launch vehicle or reentry vehicle without a license or permit if a human being would be on board;
- Removes information in §§ 404.9, 404.11, and 404.13 regarding filing petitions for rulemaking, the FAA's action on petitions for rulemaking, and the agency's general rulemaking process that duplicates part 11 and, instead, cross references relevant sections of part 11 in §§ 404.9, 404.11, and 404.13, respectively;
- Changes the current title of part 405, ''Investigations and Enforcement,'' to ''Compliance and Enforcement,'' to better reflect the content;
- Expands the equivalent level of safety option to each requirement of parts 420 (License To Operate A Launch Site), 431 (Launch And Reentry Of A Reusable Launch Vehicle), 435 (Reentry Of A Reentry Vehicle Other Than A Reusable Launch Vehicle), and 437 (Experimental Permits); and,
- Expands the equivalent level of safety option to § 460.5(d) as a means of compliance with pilot qualification requirements.

This final rule will result in nonquantified benefits for the commercial space transportation industry, the interested public, and the government by streamlining and improving commercial space transportation regulations' general rulemaking and petition procedures and allowing petitioners to file their petitions to the FAA's Office of Commercial Space Transportation electronically. In addition, this rule

expands the option to satisfy commercial space transportation requirements by demonstrating an equivalent level of safety, thereby providing more choice to operators and reducing the number of waivers that must be prepared by the industry and processed by the government.

II. Background

On June 1, 2016, the FAA published a notice of proposed rulemaking (NPRM) (81 FR 34919) proposing to amend 14 CFR chapter III to modify and streamline the FAA's commercial space transportation regulations regarding general rulemaking and petition procedures; expand the equivalent level of safety option to provide the commercial space transportation industry with alternative means of satisfying chapter III requirements; and, make a minor change to revise a part title.

The Office of Commercial Space Transportation (AST) was established under the Commercial Space Launch Act of 1984 (the Act) as part of the Department of Transportation. In 1988, pursuant to the Act, rulemaking and petition procedures specific to commercial space operations were codified in 14 CFR, chapter III, part 404. In November 1995, AST was transferred to the FAA, becoming the agency's only space-related line of business. Whereas AST's rulemaking and petition requirements reside in part 404, the FAA's rulemaking and petition procedures are codified in part 11. The two sets of procedures are mostly duplicative and at times confusing as to applicability. Therefore, the FAA issued the June 2016 NPRM to propose to reorganize, streamline, and modify the part 404 requirements. This final rule adopts the proposed changes to part 404 without change.

An equivalent level of safety provision allows an applicant to propose an alternative method to meet the safety intent of a current regulatory requirement, by providing a clear and convincing demonstration through technical rationale that the proposed alternative approach provides a level of safety equivalent to the requirement it would replace. An equivalent level of safety means an approximately equal level of safety as determined by qualitative or quantitative means. Prior to this rulemaking, the option to satisfy a commercial space transportation regulation by demonstrating an equivalent level of safety was limited to the launch license provisions for expendable launch vehicles in parts 415 and 417, and to some specific sections of other parts in chapter III including sections of the launch site location review and explosive siting requirements to obtain a license to operate a launch site in part 420, collision avoidance distances for experimental permits in part 437, the requirement that a remote operator possess an FAA pilot certificate with an instrument rating in the Human Space Flight Requirements in part 460, and environmental controls and life support system requirements also in part 460. This restricted the FAA's flexibility in approving launch and reentry related activities, where the operator can convincingly demonstrate in an application that an alternative approach to the requirements of chapter III provides an equivalent level of safety.

While applicants are still able to petition for waiver of any regulatory requirement, the June 2016 NPRM proposed to expand the equivalent level of safety option so that it applies more broadly to all requirements in parts 420, 431, 435, and 437 in chapter III. The waiver process can sometimes be more time-consuming than pursuing an equivalent level of safety determination. The NPRM also proposed clarifying that the equivalent level of safety provision for FAA pilot certificates applicable to remote operators in part 460 should also be applicable to all pilots under part 460.

Expanding the equivalent level of safety option is expected to reduce paperwork burdens without negatively impacting safety. To utilize the option applicants must demonstrate that they are achieving a level of safety equivalent to any safety parameters specified in the regulations. The FAA will evaluate every request for an alternative means of regulatory compliance under the equivalent level of safety provisions to ensure that the safety of the public, property, or any national security or foreign policy interest of the United States is maintained to be consistent with the requirements in chapter III of Title 14 of the Code of Federal Regulations.

This final rule adopts the proposed expansion of the equivalent level of safety option without change. In addition to previously available opportunities to pursue an equivalent level of safety, applicants will now have the option to pursue an equivalent level of safety option for each requirement of parts 420 (License To Operate A Launch Site), 431 (Launch And Reentry Of A Reusable Launch Vehicle), 435 (Reentry Of A Reentry Vehicle Other Than A Reusable Launch Vehicle), and 437 (Experimental Permits). The equivalent level of safety determination by the FAA will be included as part of any license or permit issued applying this provision.

The title of part 405 was ''Investigations and Enforcement.'' However, part 405 does not relate to investigations. To avoid confusion, the FAA proposed to revise the title of part 405 to a title more descriptive of its contents, namely, ''Compliance and Enforcement.'' This final rule adopts the change as proposed.

In addition to the proposed changes to chapter III, the June 2016 NPRM proposed minor changes to part 11 of chapter I to add a cross reference to part 404's commercial space transportation waivers; make minor editorial changes and clarify that formal standing advisory committees comply with the Federal Advisory Committee Act (FACA); and, include the correct internet link to information relevant to filing petitions. This final rule adopts the proposed changes, except for minor clarifications discussed under the ''Discussion of Public Comments'' section of this preamble.

III. Discussion of Public Comments

The FAA received comments from two entities, the Aeronautical Repair Station Association (ARSA) and Space Exploration Technologies Corporation (SpaceX). In general, the commenters supported the proposed amendments, with SpaceX fully supporting the rule. ARSA suggested minor changes to the proposed regulatory text. After carefully considering ARSA's comments, the FAA generally adopts the provisions as proposed, but makes the two minor changes discussed below.

ARSA recommended that the Web address referenced in proposed § 11.63 (*http://www.faa.gov/regulations_policies/*) be changed to one less likely to change over time. The FAA agrees and in the final rule changed the Web address to *http://www.faa.gov,* which is a top-level Web domain that is not likely to change. The FAA also added language stating that the user should then navigate to the ''Rulemaking'' home page.

ARSA further recommended that the FAA not cite specific examples (*i.e.,* the Aviation Rulemaking Advisory Committee (ARAC) and the Commercial Space Transportation Advisory Committee (COMSTAC)) of standing advisory committees in proposed § 11.27, as doing so might be interpreted as excluding or limiting other types of committees from which the FAA receives rulemaking recommendations. ARSA argued that when another advisory committee is created, rulemaking would again be necessary.

The FAA carefully considered ARSA's suggested change, and determined that the language unambiguously conveys that the FAA may convene a variety of advisory committees of which ARAC and COMSTAC are examples. Indeed, the existing regulation already contains a reference to ARAC, which has not caused confusion or required the FAA to amend § 11.27 when additional types of advisory committees are used to obtain rulemaking recommendations. That being said, the FAA has opted to remove the proposed change. As such, the existing language in § 11.27 will remain unchanged.

IV. Regulatory Notices and Analyses

A. Regulatory Evaluation

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 and Executive Order 13563 direct that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, the Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this rule.

Department of Transportation Order DOT 2100.5 prescribes policies and procedures for simplification, analysis, and review of regulations. If the expected cost impact is so minimal that a proposed or final rule does not warrant a full evaluation, this order permits that a statement to that effect and the basis for it to be included in the preamble if a full regulatory evaluation of the cost and benefits is not prepared. Such a determination has been made for this final rule. The reasoning for this determination follows.

This rule will streamline and improve commercial space transportation regulations' general rulemaking and petition procedures. It will do this by updating the rule language to reflect current practice; reorganizing it for clarity and flow; and allowing petitioners to file their petitions to the FAA's Office of Commercial Space Transportation electronically. In addition, this rule will expand the option to satisfy commercial space transportation requirements by demonstrating an equivalent level of safety. These changes are necessary to ensure the regulations are current, accurate, and not unnecessarily burdensome.

As this rule will streamline and clarify FAA rulemaking procedures, codify current practice and expand options to demonstrate an equivalent level of safety possibly leading to fewer waiver requests, the expected outcome will have only a minor cost savings impact. Therefore, the FAA concludes this final rule will result in minimal costs and a regulatory evaluation was not prepared. This conclusion is further bolstered by the fact that the FAA received no comments on this minimal cost determination.

FAA has, therefore, determined that this final rule is not a ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866, and is not ''significant'' as defined in DOT's Regulatory Policies and Procedures.

B. Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) (RFA) establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation.'' To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration.'' The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA.

However, if an agency determines that a rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

This final rule is expected to have an effect on States, local governments, large entities such as Boeing and a significant number of small entities such as Scaled Composites, LLC, Masten Space Systems, XCOR Aerospace, Escape Dynamics, and Space Information Laboratories.

As this rule will streamline and clarify FAA rulemaking procedures, codify current practice and expand options to demonstrate an equivalent level of safety, the expected outcome will have only minor cost savings impact on any small entity affected by this rulemaking action. Therefore, the FAA concludes the rule will have only a minimal economic cost. This conclusion is further bolstered by the fact that the FAA received no comments on this minimal cost determination.

If an agency determines that a rulemaking will not result in a significant economic impact on a substantial number of small entities, the head of the agency may so certify under section 605(b) of the RFA. Therefore, as provided in section 605(b), the head of the FAA certifies that this rulemaking will not result in a significant economic impact on a substantial number of small entities.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing 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 standard has a legitimate domestic objective, such as the protection of safety, and does 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. The FAA has assessed the potential effect of this rule and determined that it would impose the

same costs on domestic and international entities and thus has a neutral trade impact.

D. Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (in 1995 dollars) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $155 million in lieu of $100 million.

This rule does not contain such a mandate; therefore, the requirements of Title II of the Unfunded Mandates Reform Act do not apply.

E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. The FAA has determined that there is no new requirement for information collection associated with this final rule.

F. International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has determined that there are no ICAO Standards and Recommended Practices that correspond to these regulations.

G. Environmental Analysis

FAA Order 1050.1F identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined this rulemaking action qualifies for the categorical exclusion identified in paragraph 5–6.6 and involves no extraordinary circumstances.

V. Executive Order Determinations

A. Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. The agency determined that this action will not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, does not have Federalism implications.

B. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this final rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). The agency has determined that it is not a ''significant energy action'' under the executive order and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

C. Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs

This final rule is considered an E.O. 13771 deregulatory action. The FAA expects minor cost savings that cannot be quantified. The rule streamlines and improves commercial space transportation regulations' general rulemaking and petition procedures. These changes should make it easier to read and understand the regulations, and lead to minimal cost savings that are not quantifiable. The rule also allows petitioners to file their petitions to the FAA's Office of Commercial Space Transportation electronically. This could save minimal costs over mailing petitions. Finally, the rule expands the options to demonstrate an equivalent level of safety. This would also reduce the number of waivers that have to be approved. These cost savings are expected to be minimal and not quantifiable, as we don't know the effect of having acceptance of the equivalent level of safety approach earlier in the process than the alternative of requesting a waiver later in the process. We also don't know how often a petitioner will choose to demonstrate an alternative level of safety as opposed to requesting a waiver.

VI. How To Obtain Additional Information

A. Rulemaking Documents

An electronic copy of a rulemaking document may be obtained by using the internet—

1. Search the Federal eRulemaking Portal (*http://www.regulations.gov*);
2. Visit the FAA's Regulations and Policies web page at *http://www.faa.gov/regulations_policies/* or
3. Access the Government Printing Office's web page at *http://www.gpo.gov/fdsys/.*

Copies may also be obtained by sending a request (identified by notice, amendment, or docket number of this rulemaking) to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–9680.

B. Comments Submitted to the Docket

Comments received may be viewed by going to *http://www.regulations.gov* and following the online instructions to search the docket number for this action. Anyone is able to search the electronic form of all comments received into any of the FAA's dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.).

C. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. A small entity with questions regarding this document, may contact its local FAA official, or the person listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. To find out more about SBREFA on the internet, visit *http://www.faa.gov/regulations_policies/rulemaking/sbre_act/.*

List of Subjects

14 CFR Part 11

Administrative practice and procedure, Reporting and recordkeeping requirements.

14 CFR Part 404

Administrative practice and procedure, Space transportation and exploration.

14 CFR Part 405

Investigations, Penalties, Space transportation and exploration.

14 CFR Part 420

Environmental protection, Reporting and recordkeeping requirements, Space transportation and exploration.

14 CFR Part 431

Aviation safety, Environmental protection, Investigations, Reporting and recordkeeping requirements, Space transportation and exploration.

14 CFR Part 435

Aviation safety, Environmental protection, Investigations, Reporting

and recordkeeping requirements, Space transportation and exploration.

14 CFR Part 437

Aircraft, Aviation safety, Reporting and recordkeeping requirements, Space transportation and exploration.

14 CFR Part 460

Aircraft, Aviation safety, Reporting and recordkeeping requirements, Space transportation and exploration.

The Amendments

In consideration of the foregoing, the Federal Aviation Administration amends chapters I and III of title 14, Code of Federal Regulations as follows:

PART 11—GENERAL RULEMAKING PROCEDURES

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

Authority: 49 U.S.C. 106(f), 106(g), 40101, 40103, 40105, 40109, 40113, 44110, 44502, 44701–44702, 44711, 46102, and 51 U.S.C. 50901–50923.

■ 2. Revise § 11.15 to read as follows:

§ 11.15 What is a petition for exemption?

A petition for exemption is a request to the FAA by an individual or entity asking for relief from the requirements of a current regulation. For petitions for waiver of commercial space transportation regulations, see part 404 of this title.

■ 3. Amend § 11.63 by revising paragraph (a)(1) to read as follows:

§ 11.63 How and to whom do I submit my petition for rulemaking or petition for exemption?

(a) * * *

(1) By electronic submission, submit your petition for rulemaking or exemption to the FAA through the internet at *http://www.regulations.gov,* the Federal Docket Management System website. For additional instructions, you may visit *http://www.faa.gov,* and navigate to the Rulemaking home page.

* * * * *

PART 404—PETITION AND RULEMAKING PROCEDURES

■ 4. The authority citation for part 404 continues to read as follows:

Authority: 51 U.S.C. 50901–50923.

■ 5. The heading of part 404 is revised to read as set forth above.

■ 6. Remove the headings of subparts A and B.

■ 7. Revise § 404.1 to read as follows:

§ 404.1 Scope.

This part establishes procedures for issuing regulations and for filing a petition for waiver or petition for rulemaking to the Associate Administrator for Commercial Space Transportation.

■ 8. Amend § 404.3 by revising the section heading and paragraphs (a)(3), (b), (c), (d), and adding new paragraphs (e), (f), and (g) to read as follows:

§ 404.3 General.

(a) * * *

(3) Waive the requirement for a license, except as provided in § 404.7(b).

(b) A petition filed under this section may request, under § 413.9 of this chapter, that the Associate Administrator withhold certain trade secrets or proprietary commercial or financial data from public disclosure.

(c) Each petitioner filing under this section must:

(1) For electronic submission, send one copy of the petition by email to the Office of Commercial Space Transportation at *ASTpetition@faa.gov;* or

(2) For paper submission, send one copy of the petition to the Office of Commercial Space Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Room 331, Washington, DC 20591.

(d) Each petition filed under this section must include the petitioner's name, mailing address, telephone number and any other contact information, such as an email address or a fax number.

(e) *Notification.* When the Associate Administrator determines that a petition should be granted or denied, the Associate Administrator notifies the petitioner of the Associate Administrator's action and the reasons supporting the action.

(f) *Reconsideration.* Any person may petition the FAA to reconsider a denial of a petition the person filed. The petitioner must send a request for reconsideration within 60 days after being notified of the denial to the same address to which the original petition was filed. For the FAA to accept the reconsideration request, the petitioner must show—

(1) There is a significant additional fact and the reason it was not included in the original petition;

(2) The FAA made an important factual error in its denial of the original petition; or

(3) The denial is not in accordance with the applicable law and regulations.

(g) Public hearing. No public hearing, argument or other proceeding is held on a petition before its disposition under this section.

■ 9. Revise § 404.5 to read as follows:

§ 404.5 Filing a petition for waiver.

A petition for waiver must be submitted at least 60 days before the proposed effective date of the waiver unless the petitioner shows good cause for later submission in the petition, and the petition for waiver must—

(a) Include the specific section or sections of 14 CFR chapter III from which the petitioner seeks relief;

(b) Include the extent of the relief sought and the reason the relief is being sought;

(c) Include any facts, views, and data available to the petitioner to support the waiver request; and

(d) Show why granting the request for relief is in the public interest and will not jeopardize the public health and safety, safety of property, and national security and foreign policy interests of the United States.

■ 10. Add § 404.7 to read as follows:

§ 404.7 Action on a petition for waiver.

(a) *Grant of waiver.* The Associate Administrator may grant a waiver, except as provided in paragraph (b) of this section, if the Associate Administrator determines that the waiver is in the public interest and will not jeopardize public health and safety, the safety of property, or any national security or foreign policy interest of the United States.

(b) *Waiver ineligibility.* The FAA may not grant a waiver that would permit the launch or reentry of a launch vehicle or a reentry vehicle without a license or permit if a human being will be on board.

(c) *Denial of waiver.* If the Associate Administrator determines that the petition does not justify granting a waiver, the Associate Administrator denies the petition.

■ 11. Add § 404.9 to read as follows:

§ 404.9 Filing a petition for rulemaking.

A petition for rulemaking filed under this part must be made in accordance with 14 CFR 11.71.

■ 12. Revise § 404.11 to read as follows:

§ 404.11 Action on a petition for rulemaking.

The FAA will process petitions for rulemaking under this part in accordance with 14 CFR 11.73.

■ 13. Revise § 404.13 to read as follows:

§ 404.13 Rulemaking.

(a) The FAA's rulemaking procedures are located in subpart A of part 11 of this title, under the General, Written

Comments, and Public Meetings and Other Proceedings headings.

(b) In addition to the rulemaking procedures referenced in paragraph (a) of this section, the provisions of §§ 404.17 and 404.19 also apply.

§ 404.15 [Removed and Reserved]

■ 14. Remove and reserve § 404.15.

PART 405—COMPLIANCE AND ENFORCEMENT

■ 15. The authority citation for part 405 continues to read as follows:

Authority: 51 U.S.C. 50901–50923.

■ 16. The heading of part 405 is revised to read as set forth above.

PART 420—LICENSE TO OPERATE A LAUNCH SITE

■ 17. The authority citation for part 420 continues to read as follows:

Authority: 51 U.S.C. 50901–50923.

■ 18. Revise § 420.1 to read as follows:

§ 420.1 General.

(a) *Scope.* This part prescribes the information and demonstrations that must be provided to the FAA as part of a license application, the bases for license approval, license terms and conditions, and post-licensing requirements with which a licensee shall comply to remain licensed. Requirements for preparing a license application are contained in part 413 of this subchapter.

(b) *Equivalent level of safety.* Each requirement of this part applies unless the applicant or licensee clearly and convincingly demonstrates that an alternative approach provides an equivalent level of safety to the requirement of this part.

■ 19. Amend § 420.23 by revising paragraphs (a)(3), (b)(4), and (c)(2), and removing paragraph (c)(3) to read as follows:

§ 420.23 Launch site location review—flight corridor.

(a) * * *

(3) Uses one of the methodologies provided in appendix A or B of this part.

(b) * * *

(4) Uses one of the methodologies provided in appendix A or B to this part.

(c) * * *

(2) An applicant shall base its analysis on an unguided suborbital launch vehicle whose final launch vehicle stage apogee represents the intended use of the launch point.

* * * * *

■ 20. Amend § 420.25 by revising paragraph (a) to read as follows:

§ 420.25 Launch site location review—risk analysis.

(a) If a flight corridor or impact dispersion area defined by § 420.23 contains a populated area, the applicant shall estimate the casualty expectation associated with the flight corridor or impact dispersion area. An applicant shall use the methodology provided in appendix C to this part for guided orbital or suborbital expendable launch vehicles and appendix D for unguided suborbital launch vehicles.

* * * * *

PART 431—LAUNCH AND REENTRY OF A REUSABLE LAUNCH VEHICLE (RLV)

■ 21. The authority citation for part 431 continues to read as follows:

Authority: 51 U.S.C. 50901–50923.

■ 22. Revise § 431.1 to read as follows:

§ 431.1 General.

(a) *Scope.* This part prescribes requirements for obtaining a reusable launch vehicle (RLV) mission license and post-licensing requirements with which a licensee must comply to remain licensed. Requirements for preparing a license application are contained in part 413 of this subchapter.

(b) *Equivalent level of safety.* Each requirement of this part applies unless the applicant or licensee clearly and convincingly demonstrates that an alternative approach provides an equivalent level of safety to the requirement of this part.

PART 435—REENTRY OF A REENTRY VEHICLE OTHER THAN A REUSABLE LAUNCH VEHICLE (RLV)

■ 23. The authority citation for part 435 continues to read as follows:

Authority: 51 U.S.C. 50901–50923.

■ 24. Revise § 435.1 to read as follows:

§ 435.1 General.

(a) *Scope.* This part prescribes requirements for obtaining a license to reenter a reentry vehicle other than a reusable launch vehicle (RLV), and postlicensing requirements with which a licensee must comply to remain licensed. Requirements for preparing a license application are contained in part 413 of this subchapter.

(b) *Equivalent level of safety.* Each requirement of this part applies unless the applicant or licensee clearly and convincingly demonstrates that an alternative approach provides an equivalent level of safety to the requirement of this part.

PART 437—EXPERIMENTAL PERMITS

■ 25. The authority citation for part 437 continues to read as follows:

Authority: 51 U.S.C. 50901–50923.

■ 26. Revise § 437.1 to read as follows:

§ 437.1 Scope and organization of this part.

(a) *Scope.* This part prescribes requirements for obtaining an experimental permit. It also prescribes post-permitting requirements with which a permittee must comply to maintain its permit. Part 413 of this subchapter contains procedures for applying for an experimental permit.

(b) *Equivalent level of safety.* Each requirement of this part applies unless the applicant or permittee clearly and convincingly demonstrates that an alternative approach provides an equivalent level of safety to the requirement of this part.

(c) *Organization of this part.* Subpart A contains general information about an experimental permit. Subpart B contains requirements to obtain an experimental permit. Subpart C contains the safety requirements with which a permittee must comply while conducting permitted activities. Subpart D contains terms and conditions of an experimental permit.

■ 27. Amend § 437.65 by revising paragraph (b) to read as follows:

§ 437.65 Collision avoidance analysis.

* * * * *

(b) The collision avoidance analysis must establish each period during which a permittee may not initiate flight to ensure that a permitted vehicle and any jettisoned components do not pass closer than 200 kilometers to a manned or mannable orbital object.

PART 460—HUMAN SPACE FLIGHT REQUIREMENTS

■ 28. The authority citation for part 460 continues to read as follows:

Authority: 51 U.S.C. 50901–50923.

■ 29. Amend § 460.5 by revising paragraph (d) to read as follows:

§ 460.5 Crew qualifications and training.

* * * * *

(d) A pilot or a remote operator may demonstrate an equivalent level of safety to paragraph (c)(1) of this section through the license or permit process.

* * * * *

Issued in Washington, DC, on June 6, 2018.

Daniel K. Elwell,

Acting Administrator.

[FR Doc. 2018–13177 Filed 6–19–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–1247; Product Identifier 2017–NM–085–AD; Amendment 39–19316; AD 2018–13–04]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD–100–1A10 airplanes. This AD was prompted by a report indicating that certain lanyards for the passenger oxygen masks located in the airplane's entry area are too long. This AD requires replacement of certain oxygen mask lanyards with shorter lanyards. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 25, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 25, 2018.

ADDRESSES: For service information identified in this final rule, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone: 514–855–5000; fax: 514–855–7401; email: *thd.crj@aero.bombardier.com;* internet: *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1247.

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–2017–1247; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, 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: Cesar Gomez, Aerospace Engineer, Airframe and Mechanical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7318; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc., Model BD–100–1A10 airplanes. The NPRM published in the **Federal Register** on January 17, 2018 (83 FR 2373) (''the NPRM''). The NPRM was prompted by a report indicating that certain lanyards for the passenger oxygen masks located in the airplane's entry area are too long. The NPRM proposed to require replacement of certain oxygen mask lanyards with shorter lanyards. We are issuing this AD to detect and correct lanyards that are too long, which might result in difficulties starting the flow of oxygen in an emergency.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF–2017–22, dated June 23, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model BD–100–1A10 airplanes. The MCAI states:

> Bombardier, Inc., has discovered that the entry area passenger oxygen mask lanyards are too long. Upon deployment during an emergency, this may result in difficulties to start the oxygen flow for tall individuals. This [Canadian] AD mandates the replacement of the existing entry area passenger oxygen mask lanyards with shorter ones for proper operation.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1247.

Comments

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

Request To Match Compliance Time in the Service Information

Bombardier noted that the compliance time in paragraph (g) of the proposed AD was ''Within 36 months after the effective date of this AD,'' whereas Bombardier Service Bulletin 100–35–08, dated April 11, 2017, includes a compliance time of within ''36 months from this Service Bulletin release date (Basic Issue)''. We infer that the commenter is requesting that the compliance time in paragraph (g) of the proposed AD be changed to match what is in the service information.

We do not agree with the commenter's request. In developing an appropriate compliance time for this AD, we considered the degree of urgency associated with addressing the unsafe condition and the manufacturer's recommendation for an appropriate compliance time, as well as the time required for the rulemaking process. In consideration of these factors, we find that the compliance time, as proposed, represents an appropriate interval in which to replace the affected oxygen mask lanyards, while still maintaining an adequate level of safety. Operators are always permitted to accomplish the requirements of an AD at a time earlier than the specified compliance time. We have not changed this AD regarding this issue.

Request To Correct Typographical Error

Bombardier requested that a part number in paragraph (g) of the proposed AD be corrected. Paragraph (g) of the proposed AD specified the replacement of lanyards having a certain part number with new lanyards having part number P/N 289–65–10. The correct part number for the new lanyards is P/N 289–165–10.

We agree with the commenter's request and have revised paragraph (g) of this AD to include the correct part number for the new lanyards, P/N 289–165–10, which is specified in Bombardier Service Bulletin 100–35–08, dated April 11, 2017.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD with the changes described previously and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and

• Do not add any additional burden upon the public than was already proposed in the NPRM.

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

Related Service Information Under 1 CFR Part 51

Bombardier has issued Service Bulletin 100–35–08, dated April 11, 2017. This service information describes procedures for replacing the lanyards in the passenger oxygen masks located in the passenger entry area. 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 187 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × $85 per hour = $85	(1)	$85	$15,895

[1] We have received no definitive data that will enable us to provide cost estimates for the required parts.

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 available 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 transport category airplanes to the Director of the System Oversight Division.

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–13–04 Bombardier, Inc. Amendment 39–19316; Docket No. FAA–2017–1247; Product Identifier 2017–NM–085–AD.

(a) Effective Date

This AD is effective July 25, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–100–1A10 airplanes, certificated in any category, serial numbers 20003 through 20424 inclusive and 20426 through 20500 inclusive.

(d) Subject

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

(e) Reason

This AD was prompted by a report indicating that certain lanyards for the passenger oxygen masks located in the airplane's entry area are too long. The length of the oxygen mask lanyard might cause the safety pin tethered to the opposite end of the lanyard to remain engaged in the oxygen flow mechanism when the mask is pulled to the passenger's face. We are issuing this AD to detect and correct lanyards that are too long, which might result in difficulties starting the flow of oxygen in an emergency.

(f) Compliance

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

(g) Lanyard Replacement

Within 36 months after the effective date of this AD: For any entry area passenger oxygen mask dispensing unit (POMDU) having part number (P/N) 833–830–01, replace the lanyards in the POMDU with new lanyards having P/N 289–165–10, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 100–35–08, dated April 11, 2017.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO

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

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

(i) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2017–22, dated June 23, 2017, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1247.

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

(j) Material Incorporated by Reference

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

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

(i) Bombardier Service Bulletin 100–35–08, dated April 11, 2017.

(ii) Reserved.

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone: 514–855–5000; fax: 514–855–7401; email: *thd.crj@aero.bombardier.com;* internet: *http://www.bombardier.com.*

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

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

Issued in Des Moines, Washington, on June 8, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–13125 Filed 6–19–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2018–0597]

Safety Zones; Recurring Events in Captain of the Port Duluth Zone—Duluth Fourth Fest Fireworks

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the Duluth Fourth Fest in Duluth, MN from 9:30 p.m. through 11:30 p.m. on July 4, 2018, with a rain date of 9:30 p.m. through 11:30 p.m. on July 5, 2018. This action is necessary to protect participants and spectators during the Duluth Fourth Fest Fireworks. During the enforcement period, entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Duluth or their designated on-scene representative.

DATES: The regulations in 33 CFR 165.943(b) will be enforced from 9:30 p.m. through 11:30 p.m. on July 4, 2018, with a rain date of 9:30 p.m. through 11:30 p.m. on July 5, 2018, for the Duluth Fourth Fest Fireworks safety zone, § 165.943(a)(3).

FOR FURTHER INFORMATION CONTACT: If you have questions on this document, call or email LT John Mack, Chief of Waterways Management, Coast Guard; telephone (218)725–3818, email *DuluthWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone for the annual Duluth Fourth Fest Fireworks in 33 CFR 165.943(a)(3) from 9:30 p.m. through 11:30 p.m. on July 4, 2018, with a rain date of 9:30 p.m. through 11:30 p.m. on July 5, 2018, on all waters of Duluth Harbor bounded by the arc of a circle with a 900-foot radius from the fireworks launch site with its center in position 46°46′14″ N, 092°06′16″ W.

The regulations for safety zones within the Captain of the Port Duluth § 165.943(b), apply for these fireworks displays. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Duluth or their designated on-scene representative. The Captain of the Port's designated on-scene representative may be contacted via VHF Channel 16.

This document is issued under authority of 33 CFR 165.943 and 5 U.S.C. 552(a). In addition to this publication in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of the enforcement of this safety zone via Broadcast Notice to Mariners. The Captain of the Port Duluth or their on-scene representative may be contacted via VHF Channel 16.

Dated: June 14, 2018.

E.E. Williams,

Commander, U.S. Coast Guard, Captain of the Port Duluth.

[FR Doc. 2018–13240 Filed 6–19–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2018–0549]

Safety Zones; Annual Events in the Captain of the Port Buffalo Zone—July Fireworks

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce certain safety zones located in federal regulations for recurring marine events. This action is necessary and intended for the safety of life and property on navigable waters during these events. During each enforcement period, no person or vessel may enter the respective safety zone without the permission of the Captain of the Port Buffalo.

DATES: The regulations in 33 CFR 165.939(a)(8) will be enforced from 9:30 p.m. to 10:30 p.m. on July 3, 2018. The regulations in 33 CFR 165.939(a)(14) will be enforced from 9:30 p.m. to 10:30 p.m. on July 3, 2018. The regulations in 33 CFR 165.939(a)(18) will be enforced from 9:30 p.m. to 10:00 p.m. on July 4, 2018. The regulation in 33 CFR 165.939(a)(21) will be enforced from 9:30 p.m. to 10:15 p.m. on July 1, 2018. The regulation in 33 CFR 165.939(a)(23) will be enforced from 8:30 p.m. to 9:30 p.m. on July 3, 2018. The regulation in 33 CFR 165.939(a)(25) will be enforced

from 9:15 p.m. to 10:15 p.m. on July 4, 2018. The regulations in 33 CFR 165.939(a)(28) will be enforced from 9:45 p.m. to 10:45 p.m. on July 4, 2018.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email LT Michael Collet, Chief of Waterways Management, U.S. Coast Guard Sector Buffalo; telephone 716–843–9322, email *D09-SMB-SECBuffalo-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Safety Zones; Annual Events in the Captain of the Port Buffalo Zone listed in 33 CFR 165.939 for the following events:

(1) *Brewerton Fireworks;* The safety zone listed in 33 CFR 165.939(a)(8) will be enforced from 9:30 p.m. to 10:30 p.m. on July 3, 2018.

(2) *Village of Sodus Point Fireworks;* The safety zone listed in 33 CFR 165.939(a)(14) will be enforced from 9:30 p.m. to 10:30 p.m. on July 3, 2018.

(3) *North Tonawanda Fireworks;* The safety zone listed in 33 CFR 165.939(a)(18) will be enforced from 9:30 p.m. to 10:00 p.m. on July 4, 2018.

(4) *Conneaut Festival, Conneaut, OH;* The safety zone listed in 33 CFR 165.939(a)(21) will be enforced from 9:30 p.m. to 10:15 p.m. on July 1, 2018.

(5) *Mentor Harbor Yacht Club Fireworks, Mentor, OH;* The safety zone listed in 33 CFR 165.939(a)(23) will be enforced from 8:30 p.m. to 9:30 p.m. on July 3, 2018.

(6) *Downtown Cleveland Alliance July 4th Fireworks, Cleveland, OH;* The safety zone listed in 33 CFR 165.939(a)(25) will be enforced from 9:15 p.m. to 10:15 p.m. on July 4, 2018.

(7) *Lorain Port Authority Independence Day Fireworks;* The safety zone listed in 33 CFR 165.939(a)(28) will be enforced from 9:45 p.m. to 10:45 p.m. on July 4, 2018.

Pursuant to 33 CFR 165.23, entry into, transiting, or anchoring within the safety zone during an enforcement period is prohibited unless authorized by the Captain of the Port Buffalo or his designated representative. Those seeking permission to enter the safety zone may request permission from the Captain of Port Buffalo via channel 16, VHF–FM. Vessels and persons granted permission to enter the safety zone shall obey the directions of the Captain of the Port Buffalo or his designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

This notice of enforcement is issued under authority of 33 CFR 165.939 and 5 U.S.C. 552(a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Broadcast Notice to Mariners or Local Notice to Mariners. If the Captain of the Port Buffalo determines that the safety zone need not be enforced for the full duration stated in this notice he or she may use a Broadcast Notice to Mariners to grant general permission to enter the respective safety zone.

Dated: June 15, 2018.

Joseph S. Dufresne,

Captain, U.S. Coast Guard, Captain of the Port Buffalo.

[FR Doc. 2018–13241 Filed 6–19–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2012–1036]

Safety Zones, Recurring Marine Events in Captain of the Port Long Island Sound Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce fourteen safety zones for fireworks displays in the Sector Long Island Sound area of responsibility on the date and time listed in the table below. This action is necessary to provide for the safety of life on navigable waterways during the events. During the enforcement periods, no person or vessel may enter the safety zones without permission of the Captain of the Port (COTP) Sector Long Island Sound or designated representative.

DATES: The regulation in 33 CFR 165.151 will be enforced for the following safety zones identified in the **SUPPLEMENTARY INFORMATION** section below for the dates and times specified.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice of enforcement, call or email Chief Petty Officer Katherine Linnick, Waterways Management Division, U.S. Coast Guard Sector Long Island Sound; telephone 203–468–4565, email *Katherine.E.Linnick@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zones listed in 33 CFR 165.151 on the following dates and times as indicated below.

6.3 Vietnam Veterans/Town of East Haven Fireworks	• Date: June 30, 2018. • Rain Date: July 2, 2018. • Time: 9:00 p.m. to 10:30 p.m. • Location: Waters off Cosey Beach, East Haven, CT in approximate position, 41°14′19″ N, 072°52′9.8″ W (NAD 83).
7.1 Point O' Woods Fire Company Summer Fireworks	• Date: July 4, 2018. • Rain Date: July 5, 2018. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of the Great South Bay, Point O'Woods, NY in approximate position 40°39′18.57″ N, 073°08′5.73″ W (NAD 83).
7.4 Norwalk Fireworks	• Date: July 3, 2018. • Rain Date: July 5, 2018. • Time: 9:00 p.m. to 9:30 p.m. • Location: Waters off Calf Pasture Beach, Norwalk, CT in approximate position, 41°04′50″ N, 073°23′22″ W (NAD 83).
7.5 Lawrence Beach Club Fireworks	• Date: June 30, 2018. • Rain Date: July 1, 2018. • Time: 9:00 p.m. to 10:30 p.m.

	• Location: Waters of the Atlantic Ocean off Lawrence Beach Club, Atlantic Beach, NY in approximate position 40°34′42.65″ N, 073°42′56.02″ W (NAD 83).
7.6 Sag Harbor Fireworks	• Date: June 30, 2018. • Rain Date: July 1, 2018. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of Sag Harbor Bay off Havens Beach, Sag Harbor, NY in approximate position 41°00′26″ N, 072°17′9″ W (NAD 83).
7.7 South Hampton Fresh Air Home Fireworks	• Date: June 30, 2018. • Rain Date: July 1, 2018. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of Shinnecock Bay, Southampton, NY in approximate position, 40°51′48″ N, 072°26′30″ W (NAD 83).
7.8 Westport Police Athletic League Fireworks	• Date: July 2, 2018. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters off Compo Beach, Westport, CT in approximate position, 41°06′15″ N, 073°20′57″ W (NAD 83).
7.27 City of Long Beach Fireworks	• Date: July 6, 2018. • Rain Date: July 7, 2018. • Time: 8:30 p.m. to 10:00 p.m. • Location: Waters off Riverside Blvd., City of Long Beach, NY in approximate position 40°34′38.77″ N, 073°39′41.32″ W (NAD 83).
7.30 Shelter Island Fireworks	• Date: July 7, 2018. • Rain Date: July 8, 2018. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of Gardiner Bay, Shelter Island, NY in approximate position 41°04′39.11″ N, 072°22′01.07″ W (NAD 83).
7.33 Groton Long Point Yacht Club Fireworks	• Date: July 21, 2018. • Rain Date: July 22, 2018. • Time: 9:00 p.m. to 10:30 p.m. • Location: Waters of Long Island Sound, Groton, CT in approximate position 41°18′05″ N, 072°02′08″ W (NAD 83).
7.34 Devon Yacht Club Fireworks	• Date: July 7, 2018. • Rain Date: July 8, 2018. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of Napeague Bay, in Block Island Sound off Amagansett, NY in approximate position 40°59′41.40″ N, 072°06′08.70″ W (NAD 83).
7.40 Rowayton Fireworks	• Date: July 4, 2018. • Rain Date: July 5, 2018. • Time: 9:00 p.m. to 10:00 p.m. • Location: Waters of Long Island Sound south of Bayley Beach Park, Rowayton, CT in approximate position 41°03′11″ N, 073°26′41″ W (NAD 83).
8.4 Town of Babylon Fireworks	• Date: August 18, 2018. • Rain Date: August 19, 2018. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters off of Cedar Beach Town Park, Babylon, NY in approximate position 40°37′53″ N, 073°20′12″ W (NAD 83).
9.4 The Creek Fireworks	• Date: September 1, 2018. • Rain Date: September 2, 2018. • Time: 8:00 p.m. to 9:30 p.m. • Location: Waters of Long Island Sound off the Creek Golf Course, Lattingtown, NY in approximate position 40°54′13″ N, 073°35′58″ W (NAD 83).

Under the provisions of 33 CFR 165.151, the fireworks displays listed above are established as safety zones. During the enforcement period, persons and vessels are prohibited from entering into, transiting through, mooring, or anchoring within these safety zones unless they receive permission from the COTP or designated representative.

This document is issued under authority of 33 CFR 165 and 5 U.S.C. 552(a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via the Local Notice to Mariners or marine information broadcasts. If the COTP determines that these safety zones need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: May 29, 2018.

K.B. Reed,

Captain, U.S. Coast Guard, Captain of the Port Long Island Sound.

[FR Doc. 2018–13254 Filed 6–19–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2018–0596]

Safety Zones; Recurring Events in Captain of the Port Duluth Zone—Cornucopia Annual Fireworks Display

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the Cornucopia Annual Fireworks Display in Cornucopia, WI from 9:30 p.m. through 11:30 p.m. on June 30, 2018. This action is necessary to protect participants and spectators during the Cornucopia Fireworks Display. During the enforcement period, entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Duluth or their designated on-scene representative.

DATES: The regulations in 33 CFR 165.943(b) will be enforced from 9:30 p.m. through 11:30 p.m. on June 30, 2018, for the Cornucopia Annual Fireworks Display safety zone, § 165.943(a)(4).

FOR FURTHER INFORMATION CONTACT: If you have questions on this document, call or email LT John Mack, Chief of Waterways Management, Coast Guard; telephone (218)725–3818, email *DuluthWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone for the annual Cornucopia Annual Fireworks Display in 33 CFR 165.943(a)(4) from 9:30 p.m. through 11:30 p.m. on June 30, 2018 on all waters of Lake Superior bounded by the arc of a circle with a 300 foot radius from the fireworks launch site with it center in approximate position 46°51′35″ N, 091°06′10″ W.

Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Duluth or their designated on-scene representative. The Captain of the Port Duluth or their on-scene representative may be contacted via VHF Channel 16.

This document is issued under authority of 33 CFR 165.943 and 5 U.S.C. 552(a). In addition to this publication in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of the enforcement of this safety zone via Broadcast Notice to Mariners.

Dated: June 14, 2018.

E.E. Williams,

Commander, U.S. Coast Guard, Captain of the Port Duluth.

[FR Doc. 2018–13236 Filed 6–19–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0579]

RIN 1625–AA00

Safety Zone; City of Oswego Community Fireworks; Oswego Harbor, Oswego, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 420-foot radius of the launch site located at the Oswego Harbor, Lake Ontario, Oswego, NY. This safety zone is intended to restrict vessels from portions of Lake Ontario during the City of Oswego Community fireworks display. This temporary safety zone is necessary to protect mariners and vessels from the navigational hazards associated with a fireworks display. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Buffalo.

DATES: This rule is effective from 8:45 p.m. until 10:15 p.m. on July 1, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0579 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 LT Michael Collet, Chief Waterways Management Division, U.S. Coast Guard; telephone 716–843–9322, email *D09-SMB-SECBuffalo-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

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 find that those procedures are ''impracticable, unnecessary, or contrary to public interest.'' On April 19, 2018, the Captain of the Port (COTP) Buffalo published a notice of proposed rulemaking (NPRM), Docket Number USCG–2017–1112, to make temporary safety zones for annual events a final rule. This event was included in the NPRM. Its purpose was to mitigate potential threats to personnel, vessels, and the marine environment in the navigable waters within the specified safety zones. The NPRM addressed these concerns, and invited the public to comment during the comment period, which ended on May 21, 2018. As such, it is unnecessary to publish an NPRM for this temporary rule because the public had opportunity to comment on it and no comments were received concerning this event.

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 would be contrary to the rule's objectives of ensuring safety of life on the navigable waters and protection of persons and vessels in the vicinity of the 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 Buffalo (COTP) has determined that a fireworks display presents significant risks to the public safety and property. Such hazards include premature and accidental detonations, dangerous projectiles, and falling or burning debris. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the fireworks display takes place.

IV. Discussion of the Rule

This rule establishes a safety zone on July 1, 2018, from 8:45 p.m. until 10:15 p.m. The safety zone will encompass all waters of Lake Ontario, Oswego, NY contained within 420-foot radius of: 43°27′55.91″ N, 076°30′59.04″ W.

Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

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 conclusion that this rule is not a significant regulatory action. We anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be relatively small and enforced for a relatively short time. Also, the safety zone has been designed to allow vessels to transit around it. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule establishes a temporary safety zone. 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.T09–0579 to read as follows:

§ 165.T09–0579 Safety Zone; City of Oswego Community Fireworks; Oswego Harbor, Oswego, NY.

(a) *Location.* The safety zone will encompass all waters of the Lake Ontario, Oswego, NY contained within a 420-foot radius of: 43°27′55.91″ N, 076°30′59.04″ W.

(b) *Enforcement period.* This regulation will be enforced from 8:45 p.m. until 10:15 p.m. on July 1, 2018.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated on-scene representative.

(3) The ''on-scene representative'' of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Buffalo to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zone must contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

Dated: June 15, 2018.

Joseph S. Dufresne,

Captain, U.S. Coast Guard, Captain of the Port Buffalo.

[FR Doc. 2018–13239 Filed 6–19–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Part 668

[Docket ID ED–2017–OPE–0090]

Program Integrity: Gainful Employment

Correction

Proposed rule document 2018–13054, appearing on pages 28177–28178 in the issue of Monday, June 18, 2018, should have appeared in the Rules section of the issue and the heading should read as set forth above.

[FR Doc. C1–2018–13054 Filed 6–19–18; 8:45 am]

BILLING CODE 1301–00–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R04–OAR–2018–0077; FRL–9979–61–Region 4]

Air Plan Approval and Air Quality Designation; AL; Redesignation of the Pike County Lead Nonattainment Area to Attainment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On January 3, 2018, the State of Alabama, through the Alabama Department of Environmental Management (ADEM), submitted a request for the Environmental Protection Agency (EPA) to redesignate the Troy 2008 lead Nonattainment Area (''Troy Area'' or ''Area'') to attainment for the 2008 lead (Pb) National Ambient Air Quality Standards (NAAQS or standard) and to approve an associated State Implementation Plan (SIP) revision containing a maintenance plan. The Troy Area is comprised of a portion of Pike County in Alabama surrounding the Sanders Lead Company facility (Sanders Lead Facility or Facility). EPA is taking the following final actions related to the January 3, 2018, redesignation request and SIP revision: determining that the Troy Area is attaining the 2008 lead NAAQS; approving the SIP revision containing the State's maintenance plan for maintaining attainment of the 2008 lead standard; and redesignating the Troy Area to attainment for the 2008 lead NAAQS.

DATES: This rule is effective July 20, 2018.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2018–0077. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ashten Bailey of the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Ms. Bailey may be reached by phone at (404) 562–9164 or via electronic mail at *bailey.ashten@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

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

EPA designated the Troy Area as a nonattainment area for the 2008 lead NAAQS on November 22, 2010 (75 FR 71033), effective December 31, 2010,

using 2007–2009 ambient air quality data. The Troy Area is comprised of the portion of Pike County, Alabama, bounded by a 0.8 mile radius from a center point at latitude 31.78627106 North and longitude 85.97862228 West, which fully includes the Sanders Lead Facility, the only point source of lead emissions in the Area. EPA's designation established an attainment date five years after the December 31, 2010, effective date for the 2008 lead nonattainment designations pursuant to CAA section 172(a)(2)(A). Therefore, the Troy Area's attainment date was December 31, 2015.

On January 3, 2018, Alabama requested that EPA redesignate the Troy Area to attainment for the 2008 lead NAAQS and submitted an associated SIP revision containing a maintenance plan for the Area. In a notice of proposed rulemaking (NPRM) published on April 13, 2018 (83 FR 16021), EPA proposed to take three separate but related actions: (1) To determine that the Troy Area is attaining the 2008 lead NAAQS based on complete, quality-assured, and certified ambient monitoring data for the 2014–2016 time period; (2) to approve Alabama's maintenance plan for maintaining the 2008 lead NAAQS in the Area through the year 2028 and incorporate the plan into the SIP; and (3) to redesignate the Area to attainment.[1] No relevant comments were received on the April 13, 2018, proposed rulemaking. The details of Alabama's submittal and the rationale for EPA's actions are further explained in the NPRM. *See* 83 FR 16021 (April 13, 2016).

II. What are the effects of these actions?

Approval of Alabama's redesignation request changes the legal designation of the portion of Pike County, Alabama, that is designated as nonattainment as the Troy Area, found at 40 CFR 81.301, from nonattainment to attainment for the 2008 lead NAAQS. Approval of Alabama's associated SIP revision also incorporates a plan into the SIP for maintaining the 2008 lead NAAQS in Pike County (the Troy Area), Alabama, through 2028.

III. Final Action

EPA is taking a number of final actions regarding Alabama's January 3, 2018, request to redesignate the Troy Area to attainment and associated SIP revision. First, EPA is determining that the Area is attaining the 2008 lead NAAQS based on 2014–2016 data. Second, EPA is approving the maintenance plan for the Area and incorporating it into the SIP. Third, EPA is approving Alabama's request for redesignation of the Area from nonattainment to attainment for the 2008 lead NAAQS. As mentioned above, approval of the redesignation request changes the official designation of the Troy Area from nonattainment to attainment for the 2008 lead NAAQS.

IV. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 20, 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

[1] In the NPRM, EPA noted that 2014–2016 data was the most recent quality-assured and certified data and that preliminary 2017 data indicated that the Area continued to attain the standard. Since publication of that document, ADEM certified complete, quality-assured data for 2017. The 2015–2017 design value for the Area is 0.09 μg/m^3.

enforce its requirements. *See* section 307(b)(2).

List of Subjects

40 CFR Part 52

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

40 CFR Part 81

Environmental protection, Air pollution control.

Dated: June 8, 2018.

Onis ''Trey'' Glenn, III,

Regional Administrator, Region 4.

40 CFR parts 52 and 81 are amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart B—Alabama

■ 2. Section 52.50(e), is amended by adding an entry for ''2008 Lead Maintenance Plan for the Troy Area'' at the end of the table to read as follows:

§ 52.50 Identification of plan.

* * * * *

(e) * * *

EPA APPROVED ALABAMA NON-REGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approval date	Explanation
*	*	*	*	*
2008 Lead Maintenance Plan for the Troy Area	Troy Area	1/3/2018	6/20/2018, [Insert **Federal Register** citation].	

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

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

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

■ 4. In § 81.301, the table entitled ''Alabama—2008 Lead NAAQS'' is amended under ''Troy, AL:'' by revising the entry for ''Pike County (part)'' to read as follows:

§ 81.301 Alabama.

* * * * *

ALABAMA—2008 LEAD NAAQS

Designated area	Designation for the 2008 NAAQS [a]	
	Date [1]	Type
Troy, AL:		
Pike County (part) Area is bounded by a 0.8 mile radius from a center point at latitude 31.78627106 North and longitude 85.97862228 West, which fully includes the Sanders Lead facility.	6/20/2018	Attainment.
*	*	*

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

[FR Doc. 2018–13147 Filed 6–19–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No.: 171213999–8128–01]

RIN 0648–XF898

Fisheries of the Northeastern United States; Atlantic Herring Fishery; Adjustments to 2018 Management Area Annual Catch Limits; Correction

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

ACTION: Temporary final rule; adjustment to annual catch limits; correction.

SUMMARY: The final rule adjusting the 2018 management area annual catch limits for the herring fishery published in the **Federal Register** on February 15, 2018. That rule contained several errors and this document corrects those errors. This action is necessary to ensure that correct 2018 herring fishery annual catch limits are available to the public.

DATES: Effective June 20, 2018, through December 31, 2018.

ADDRESSES: Copies of supporting documents, including the 2013–2015 Specifications/Framework Adjustment 2

and the 2016–2018 Specifications to the Atlantic Herring Fishery Management Plan (FMP), are available from the Sustainable Fisheries Division, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930, telephone (978) 281–9315, or online at: *https://www.nefmc.org/library/framework-2-2* or *http://www.greateratlantic.fisheries.noaa.gov/sustainable/species/atlherring/index.html.*

FOR FURTHER INFORMATION CONTACT: Alyson Pitts, Fishery Management Specialist, 978–281–9352.

SUPPLEMENTARY INFORMATION:

Need for Correction

A final rule adjusting the 2018 annual catch limits (ACL) in the Atlantic herring fishery was effective upon publication in the **Federal Register** (83 FR 6797) on February 15, 2018. However, the adjusted 2018 ACLs using the preliminary 2016 adjusted ACLs did not take into account the new 2016–2018 specifications that were published in the **Federal Register** (81 FR 75731) on November 1, 2016, and effective on December 1, 2016. Additionally, the adjusted 2018 ACLs did not account for the reallocation of a portion of the management uncertainty buffer between the acceptable biological catch and the stockwide ACL due to lower than expected harvest (less than 4,000 mt) in the New Brunswick weir fishery. This document corrects the 2018 ACLs for the Atlantic herring management areas. The adjustments result in a slightly higher ACL for Area 1A, no change for Area 2, and a slight reduction in Areas 1B, 3, and stockwide.

Correction

Accordingly, in the rule NMFS published on February 15, 2018 (83 FR 6797), on page 6798, Table 2 is corrected to read as follows:

TABLE 2—HERRING SUB-ACLS, CATCH, AND CARRYOVER

[mt]

	Corrected adjusted 2016 sub-ACLs *	2016 catch	2016 underages/ overages	Carryover ** (up to 10 percent)	2018 sub-ACLs (minus research set-aside)	Corrected adjusted 2018 sub-ACLs (resulting change)
Area 1A	30,524	27,831	2,693	2,693	29,391	32,084 (+122).
Area 1B	2,844	3,657	−813	NA	4,365	3,552 (−97).
Area 2	31,227	13,463	17,764	2,910	28,227	31,137 (N/A).
Area 3	42,765	18,631	24,134	4,090	39,673	43,763 (−90).
Stockwide	101,135	63,581	NA	NA	101,656	100,843 (−126). ***

* Includes the reallocation of the management uncertainty buffer (1,000 mt) to Area 1A sub-ACL and Stockwide ACL due to lower than expected catch in the New Brunswick weir fishery.

** Maximum carryover is based on up to 10 percent of the 2016 sub-ACLs: Area 1A = 30,300 mt; Area 1B = 4,500 mt; Area 2 = 29,100 mt; and Area 3 = 40,900 mt.

*** The stockwide ACL cannot be increased by carryover. The 2018 adjusted stockwide ACL is decreased by the Area 1B overage.

Classification

The NMFS Assistant Administrator has determined that this final rule is consistent with the FMP, other provisions of the MSA, and other applicable law. Pursuant to 5 U.S.C. 553(b)(3)(B), there is good cause to waive prior notice and an opportunity for public comment on this action because it would be contrary to the public interest. Allowing for prior notice and public comment on this adjustment is also impracticable because regulations require notification of catch allocations and adjustments as close as possible to the start of the herring fishing year on January 1, 2018. This is a correction to the Adjustments to 2018 Management Area Annual Catch Limits in the Atlantic Herring Fishery final rule that was published in the **Federal Register** on February 15, 2018. We recently identified the correct information to adjust 2016 sub-ACL determinations. To provide accurate information for harvesting, it is in the best interest of the fleet and the herring resource to correct the adjusted 2018 sub-ACLs as soon as possible. In addition, the change helps fulfill regulatory requirements, is formulaic, and involves no exercise of discretion or policymaking. Putting the corrected adjusted sub-ACLs in place as soon as possible provides the earliest opportunity for the fleet to adjust their business plans to facilitate their full harvest of available catch in the open areas. For the same reasons, pursuant to 5 U.S.C. 553(d), NMFS finds good cause for this correction to be effective on the date of publication.

This final rule is exempt from review under Executive Order 12866.

This final rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

Because prior notice and opportunity for public comment are not required for this rule by 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 inapplicable.

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

Dated: June 15, 2018.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2018–13250 Filed 6–19–18; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 83, No. 119
Wednesday, June 20, 2018

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 66

[Doc. No. AMS–TM–17–0050]

RIN 0581–AD54

National Bioengineered Food Disclosure Standard; Correction

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule; correction.

SUMMARY: This document contains corrections to the proposed rule published on May 4, 2018, regarding a new national mandatory bioengineered food disclosure standard. Corrections are made to the notice of proposed rule making's (NPRM) Initial Regulatory Flexibility Analysis to clarify that the proposed rule, if finalized, is not expected to have a significant economic impact on a substantial number of small entities, but that comments are sought on the analysis and that USDA is not certifying that the proposed rule would have no significant adverse impact on a substantial number of small businesses.

DATES: June 21, 2018.

FOR FURTHER INFORMATION CONTACT: Arthur Neal, Deputy Director, Transportation and Marketing Program, AMS, USDA; Email: *befooddisclosure@ams.usda.gov;* telephone: (202) 690–1300; or Fax: (202) 690–0338.

SUPPLEMENTARY INFORMATION: Pursuant to recent amendments to the Agricultural Marketing Agreement Act of 1946 (7 U.S.C. 1621 *et seq.*), as amended, the Agricultural Marketing Service (AMS) published a proposed rule regarding establishment of a new national mandatory bioengineered food disclosure standard in the **Federal Register** on May 4, 2018 (83 FR 19860). On that date, AMS also published a Regulatory Impact Analysis (RIA) describing potential economic impacts of the proposed rule, which included the Regulatory Flexibility Analysis. The RIA tentatively concludes that the proposed rule would not have a significant economic impact on a substantial number of small businesses. However, the Initial Regulatory Flexibility Analysis included in the NPRM used inconsistent language in 83 FR 19881 and 19884. This correction addresses that inconsistency. The summary of the RIA that accompanied 83 FR 19860 will also be revised. The revised RIA will be posted on *www.regulations.gov* under AMS–TM–17–0050.

Corrections

In FR Doc. 2018–09389, published May 4, 2018 (83 FR 19860), make the following corrections:

1. On page 19881, in column 3, the final sentence of the Introduction paragraph in Section D—Initial Regulatory Flexibility Analysis is corrected to read as follows:

> We have tentatively concluded that the proposed rule, if finalized, will not have a significant economic impact on a substantial number of small entities; however, we are seeking comment on this analysis and are not certifying there would be no significant adverse impact on a substantial number of small businesses.

2. On page 19884, in column 1, the Summary paragraph in Section D—Initial Regulatory Flexibility Analysis is corrected to read as follows:

> Under the Regulatory Flexibility Act (5 U.S.C. 606(b)), we tentatively conclude that the proposed rules will not have a significant economic impact on a substantial number of small entities. The analysis presented in the accompanying Regulatory Impact Analysis suggests that the cost per entity is not large for firms in any size category. However, we are seeking comment on this analysis and are not certifying there would be no significant adverse impact on a substantial number of small businesses.

Dated: June 14, 2018.

Bruce Summers,

Administrator.

[FR Doc. 2018–13155 Filed 6–19–18; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

7 CFR Part 3555

RIN 0575–AD10

Single Family Housing Guaranteed Loan Program

AGENCY: Rural Housing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Housing Service (RHS or Agency) proposes to amend the current regulation for the Single Family Housing Guaranteed Loan Program (SFHGLP) on the subject of Single Close Combination Construction to Permanent Loans. The Agency proposes to amend the regulation to provide increased flexibility in loan terms that affect the costs of interim construction financing and the viability of combination construction to permanent loans on the secondary market in a manner which will enable more lenders to make these combination construction to permanent loans to SFHGLP borrowers. Specifically, the Agency proposes to: Allow and define a maximum interest rate for interim construction financing that is different than the underlying rate; allow for the escrow or reserve of regularly scheduled principal, interest, taxes and insurance (PITI) payments; and remove the requirement for loan modification or re-amortization once construction is complete.

DATES: Written or email comments on the proposed rule must be received on or before August 20, 2018 to be assured for consideration.

ADDRESSES: You may submit comments on this proposed rule by any one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments electronically.
- *Mail:* Submit written comments via the U.S. Postal Service to the Branch Chief, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, STOP 0742, 1400 Independence Ave. SW, Washington, DC 20250–0742.
- *Hand Delivery/Courier:* Submit written comments via Federal Express mail, or other courier service requiring a street address to the Branch Chief, Regulations and Paperwork

Management Branch, U.S. Department of Agriculture, 1400 Independence Avenue SW, Washington, DC 20250–0742.

FOR FURTHER INFORMATION CONTACT: Kate Jensen, Finance and Loan Analyst, Single Family Housing Guaranteed Loan Division, STOP 0784, Room 2250, USDA Rural Development, South Agriculture Building, 1400 Independence Avenue SW, Washington, DC 20250–0784, telephone: (503) 810–6855, email is *kate.jensen@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Executive Order 12866, Classification

This proposed rule has been determined to be non-significant and therefore was not reviewed by the Office of Management and Budget (OMB) under Executive Order 12866.

Executive Order 12988, Civil Justice Reform

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. Except where specified, all State and local laws and regulations that are in direct conflict with this rule will be preempted. Federal funds carry Federal requirements. No person is required to apply for funding under SFHGLP, but if they do apply and are selected for funding, they must comply with the requirements applicable to the Federal program funds. This proposed rule is not retroactive. It will not affect agreements entered into prior to the effective date of the rule. Before any judicial action may be brought regarding the provisions of this rule, the administrative appeal provisions of 7 CFR part 11 must be exhausted.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effect of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, the Agency generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, or tribal governments, in the aggregate, or to the private sector, of $100 million, or more, in any one year. When such a statement is needed for a rule, section 205 of the UMRA generally requires the Agency to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule.

This proposed rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, and tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1970, subpart G, ''Environmental Program.'' It is the determination of the Agency that this action does not constitute a major Federal action significantly affecting the quality of the human environment, and, in accordance with the National Environmental Policy Act of 1969, Public Law 91–190, neither an Environmental Assessment nor an Environmental Impact Statement is required.

Executive Order 13132, Federalism

The policies contained in this rule do not have any substantial direct effect on States, on the relationship between the national government and States, or on the distribution of power and responsibilities among the various levels of government. Nor does this rule impose substantial direct compliance costs on State and local governments. Therefore, consultation with the States is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) the undersigned has determined and certified by signature of this document that this rule change will not have a significant impact on a substantial number of small entities. This rule does not impose any significant new requirements on Agency applicants and borrowers, and the regulatory changes affect only Agency determination of program benefits for guarantees of loans made to individuals.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

Executive Order 13175 imposes requirements on RHS in the development of regulatory policies that have tribal implications or preempt tribal laws. RHS has determined that the proposed rule does not have a substantial direct effect on one or more Indian Tribe(s) or on either the relationship or the distribution of powers and responsibilities between the Federal Government and Indian Tribes. Thus, this proposed rule is not subject to the requirements of Executive Order 13175. If a tribe determines that this rule has implications of which RHS is not aware and would like to engage with RHS on this rule, please contact USDA's Native American Coordinator at (720) 544–2911 or *AIAN@wdc.usda.gov.*

Executive Order 12372, Intergovernmental Consultation

These loans are subject to the provisions of Executive Order 12372, which require intergovernmental consultation with State and local officials. RHS conducts intergovernmental consultations for each SFHGLP loan in accordance with 2 CFR part 415, subpart C.

Programs Affected

The program affected by this regulation is listed in the Catalog of Federal Domestic Assistance under Number 10.410, Very Low to Moderate Income Housing Loans (Section 502 Rural Housing Loans).

Paperwork Reduction Act

The information collection and record keeping requirements contained in this regulation have been approved by OMB in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The assigned OMB control number is 0575–0179.

E-Government Act Compliance

The Agency is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Non-Discrimination Policy

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

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large

print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *http://www.ascr.usda.gov/complaint_filing_cust.html* and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by:

(1) *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410;

(2) *Fax:* (202) 690–7442; or

(3) *Email: program.intake@usda.gov.*

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Background Information

In order to encourage new construction purchase opportunities for rural applicants and increase lender utilization of SFHGLP Combination Construction to Permanent Loans in rural communities, the Agency proposes to revise the regulation pertaining to combination construction permanent loans. The proposed revisions will align the Agency's construction to permanent loans with industry standards. Lenders would be able to recapture interest accrued on a warehouse or business line of credit during the course of construction. An additional option is for lenders to escrow or set aside in reserves regularly scheduled fully amortized PITI payments for the construction period.

Currently, a lender is restricted to using the promissory note rate for the life of the loan, including during the construction phase. The restriction discourages lenders from making combination construction to permanent loans because lenders may have difficulty covering the higher costs of construction or warehouse lines of credit associated with the construction phases. If a lender uses a warehouse line of credit in order to finance the cost of construction, the lender is responsible for any cost associated with the use of those funds. The proposed changes to 7 CFR 3555.104 will allow for a modified interim construction interest rate that is no more than 200 basis points above the underlying promissory note rate. After the construction period, the rate will revert back to the promissory note rate, or a lower interest rate. This practice is common in the traditional construction to permanent loan industry, and allows lenders to cover higher construction phase line of credit costs. The Agency will publish the maximum allowable interim construction interest rate in RD Instruction 440.1, available in any Rural Development Office) or online at: *http://www.rd.usda.gov/publications/regulations-guidelines.* After construction is completed, lenders who used the interim construction interest rate must revert to the underlying promissory note rate or lower. The Agency also proposes to amend 7 CFR 3555.105(c) so that the cost of the interim construction interest rate may qualify as an eligible construction loan purpose.

Current regulations impede the ability to sell or transfer a loan to an investor on the secondary market at loan closing because lenders do not have a viable method to ensure that consistent, equal principal and interest payments are made to investors during the construction phase. Construction to permanent loans must be modified and re-amortized at the end of the construction period pursuant to 7 CFR 3555.105(d), and there is no authority for lenders to establish an escrow or reserve for payments of consistent, equal principal and interest payments to investors during the construction phase. To address this issue, the Agency proposes to amend 7 CFR 3555.105 by making post-construction modification or re-amortization optional, as well as allowing lenders to establish an escrow or reserve in an amount of up to 12 months of the fully amortized regularly scheduled PITI payments over the construction period. This provides lenders with the increased ability to place SFHGLP construction to permanent loans in the secondary market at loan closing. Please note that 7 CFR 3555.105(d)(4) already allows for the establishment of reserves for interest, taxes and insurance—the proposed amendment is for an additional principal reserve account in order to achieve a 30 year amortization of PITI payments.

The regulatory revisions will reduce the burden of construction financing on small and medium sized lenders, streamline the program, encourage program utilization, and provide the lender the ability to quickly transfer closed loans to program investors.

Lastly, the Agency proposes to correct 7 CFR 3555.104(a)(4) to clarify that if the interest rate increases between the issuance of a conditional commitment and the loan closing, the lender must submit a new request for new conditional commitment. Current language states that the lender must note the increased interest rate in the closing loan package—however this is not consistent with the terms of the conditional commitment or current practice. Lenders do submit new requests for conditional commitments in the event of an increase in interest rate before closing.

List of Subjects in 7 CFR Part 3555

Home improvement, Loan Programs—Housing and community development, Eligible loan purpose, Construction, Loan terms, Mortgages, Rural areas.

Therefore, chapter XXXV, title 7 of the Code of Federal Regulations is proposed to be amended as follows:

PART 3555—GUARANTEED RURAL HOUSING PROGRAM

■ 1. The authority citation for Part 3555 continues to read as follows:

Authority: 5 U.S.C. 301; 42 U.S.C. 1471 *et seq.*

Subpart C—Loan Requirements

■ 2. Amend § 3555.104 by revising paragraph (a)(4)and adding new paragraph (e) to read as follows:

§ 3555.104 Loan Terms.

(a) * * *

(4) If the interest rate increases between the time of the issuance of the conditional commitment and the loan closing, the lender must submit a new request for a conditional commitment with the updated interest rate.

* * *

(e) Combination construction and permanent loans. For the purpose of combination construction permanent loans:

(1) The lender may charge an interest rate for interim construction financing that exceeds the underlying promissory note rate by an amount determined by the Agency. The maximum allowable interim construction interest rate will be published in RD Instruction 440.1, available in any Rural Development Office or online at: *http://www.rd.usda.gov/publications/regulations-guidelines.*

(2) After construction ends, the interest rate must revert to a rate that is no higher than the underlying promissory note rate.

■ 3. Amend § 3555.105 by:

■ a. Adding paragraph (c)(2)(iv);

■ b. Revising paragraph (d)(1) and the first sentence of paragraph (d)(6) by

replacing the first ''will'' with ''may''; and

■ c. Adding paragraph (d)(7).

§ 3555.105 Combination construction and permanent loans.

* * * * *

(c) * * *

(2) * * *

(iv) An interim construction financing interest rate as provided for in § 3555.104(e).

* * *

(d) * * *

(1) * * *. An interim construction financing interest rate may be used in accordance with § 3555.104(e).

* * * * *

(7) Lenders may establish a reserve for up to 12 months of the regularly scheduled (amortized) principal payments, to ensure full PITI payments during the construction period. In such cases, a loan modification or re-amortization is not required after construction is complete.

* * * * *

Dated: May 23, 2018.

Joel C. Baxley,

Administrator, Rural Housing Service.

[FR Doc. 2018–13154 Filed 6–19–18; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Subtitles A and B

9 CFR Chapters I, II, and III

Identifying Regulatory Reform Initiatives

AGENCY: Office of the Secretary, USDA.

ACTION: Notice; extension of comment period.

SUMMARY: The U.S. Department of Agriculture is extending the comment period for our request for information on how we can provide better customer service and remove unintended barriers to participation in our regulatory programs published in the **Federal Register** on July 17, 2017. This action will allow interested persons additional time to prepare and submit comments.

DATES: The comment period for the proposed rule published July 17, 2017 (82 FR 32649–32650), is extended. We will consider all comments that we receive on or before July 18, 2019.

ADDRESSES: We invite you to submit comments on this notice. For proper delivery, in your comment, specify ''Identifying Regulatory Reform Initiatives.''

Electronic Submission of Comments. You may submit comments electronically through the Federal eRulemaking Portal: *http://www.regulations.gov.* USDA strongly encourages commenters to submit comments electronically. Electronic submission of comments allows you maximum time to prepare and submit a comment, and ensures timely receipt by USDA. Follow the instructions provided on that site to submit comments electronically.

Submission of Comments by Mail, Hand delivery, or Courier. Paper, disk, or CD–ROM submissions should be submitted to *regulations@obpa.usda.gov,* Office of Budget and Program Analysis, USDA, Jamie L. Whitten Building, Room 101–A, 1400 Independence Ave. SW, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Michael Poe, Telephone Number: (202) 720–5303.

Rebeckah Adcock,

Regulatory Reform Officer and Senior Advisory to the Secretary, Office of the Secretary.

[FR Doc. 2018–13153 Filed 6–19–18; 8:45 am]

BILLING CODE 3410–90–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0216; Product Identifier 1988–ANE–18–AD]

RIN 2120–AA64

Airworthiness Directives; Honeywell International Inc. Turboprop Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 88–12–10, which applies to certain Honeywell International Inc. (Honeywell) TPE331 turboprop engines. AD 88–12–10 requires reducing the life limit for certain second stage turbine rotors. Since we issued AD 88–12–10, we received a report that a TPE331–11U engine experienced an uncontained rotor separation. In addition, cracks were discovered through eddy current inspection (ECI) in the bore of the second stage turbine rotor assembly after publication of AD 88–12–10. This proposed AD would require removing certain second stage turbine rotors from service at a reduced life limit. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by August 6, 2018.

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

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

For service information identified in this NPRM, contact Honeywell International Inc., 111 S 34th Street, Phoenix, AZ 85034–2802; phone: 800–601–3099; internet: *https://myaerospace.honeywell.com/wps/portal.* You may view this service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7759.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0216; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800–647–5527) is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Joseph Costa, Aerospace Engineer, Los Angeles ACO Branch, FAA, 3960 Paramount Blvd., Lakewood, CA 90712–4137; phone: 562–627–5246; fax: 562–627–5210; email: *joseph.costa@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–2018–0216; Product Identifier 1988–ANE–18–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory,

economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

We issued AD 88–12–10, Amendment 39–5910 (53 FR 19766, May 31, 1988), (''AD 88–12–10''), for certain Honeywell TPE331 turboprop engines. AD 88–12–10 requires reducing the life limit for certain second stage turbine rotors. AD 88–12–10 resulted from the failure of a second stage turbine rotor due to crack growth from a bore initiation site induced by low cycle fatigue. We issued AD 88–12–10 to prevent failure of the second stage turbine rotor, leading to uncontained failure of the second stage turbine rotor.

Actions Since AD 88–12–10 Was Issued

Since we issued AD 88–12–10, a TPE331–11U engine installed on an M7 Aerospace LP SA227 airplane experienced an uncontained tri-hub rotor separation during climb on April 7, 2015. One of the three fragments from the second stage turbine rotor assembly, part number 3102106–6, came to rest inside the fuselage wall of the twin-engine airplane. In addition, second stage turbine rotor assembly cracks in the bore were discovered by ECI after publication of AD 88–12–10. This evidence supports higher stresses than originally calculated and supports the inability of the normal rotor inspection method, fluorescent penetrant inspection, to detect small cracks in the bore. In addition, we are adding the TPE331–8 and –10N model engines to the applicability of this AD because the design and material of its second stage turbine rotor are similar to those in the TPE331–10, –10R, –10U, –10UA, –10UF, –10UG, –10UGR, –10UR, and –11U model engines.

Related Service Information

We reviewed Honeywell Service Bulletin (SB) TPE331–72–A2319, Revision 0, dated April 25, 2018 and TPE331–72–A2310, Revision 0, dated January 26, 2018. These SBs describe procedures for replacement of the second stage turbine rotor assembly installed on TPE331–8, –10, –10N, –10R, –10U, –10UA, –10UF, –10UG, –10UGR, –10UR, and –11U model engines.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would retain certain requirements of AD 88–12–10. This proposed AD would require removing certain second stage turbine rotors from service at a reduced life limit.

Differences Between This Proposed AD and the Service Information

This NPRM proposes to allow certain rotors more time in service before their removal than is allowed by Honeywell SBs TPE331–72–A2310, Revision 0, dated January 26, 2018, and TPE331–72–A2319, Revision 0, dated April 25, 2018. The FAA finds that allowing an additional 100 cycles in service before their removal provides a sufficient level of safety for applicable second stage turbine rotors that have been in service for 30 years after the publication of AD 88–12–10. In addition, the SB includes a calendar deadline of 5 years for removal of the applicable second stage turbine rotors that have exceeded their life-limit of 3,000 cycles. The FAA is instead proposing a requirement to remove applicable rotors at the next access and prohibiting the installation of applicable rotors. We find that the calendar deadline is inconsistent with our compliance requirements.

Costs of Compliance

We estimate that this proposed AD affects 100 engines installed on airplanes of U.S. registry.

We estimate that 20 commercial engines and 80 general aviation engines will need this turbine rotor replacement to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Scheduled rotor replacement	1 work-hour × $85 per hour = $85	$7,500	$7,585	$379,250
Unscheduled rotor replacement	41 work-hours × $85 per hour = $3,485	7,500	10,985	549,250

Authority for This Rulemaking

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

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

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

Regulatory Findings

We have 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 that the proposed regulation:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 88–12–10, Amendment 39–5910 (53 FR 19766, May 31, 1988), and adding the following new AD:

Honeywell International Inc. (Type Certificate previously held by AlliedSignal Inc., Garrett Engine Division; Garrett Turbine Engine Company; and AiResearch Manufacturing Company of Arizona): Docket No. FAA–2018–0216; Product Identifier 1988–ANE–18–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by August 6, 2018.

(b) Affected ADs

This AD replaces AD 88–12–10, Amendment 39–5910 (53 FR 19766, May 31, 1988) (''AD 88–12–10'').

(c) Applicability

This AD applies to Honeywell International Inc. (Honeywell) TPE331–8, –10, –10N, –10R, –10U, –10UA, –10UF, –10UG, –10UGR, –10UR, and –11U turboprop engines with second stage turbine rotor assemblies, part number (P/Ns) 3102106–1, –6, and –8 or P/N 3101514–1, –10 and –12, installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine Section.

(e) Unsafe Condition

This AD was prompted by a report that a TPE331–11U engine installed on an M7 SA227 airplane experienced an uncontained rotor separation and the discovery of cracks in the bore of the second stage turbine rotor assembly after publication of AD 88–12–10. We are issuing this AD to prevent failure of the second stage turbine rotor. The unsafe condition, if not addressed, could result in uncontained release of the second stage turbine rotor, damage to the engine, and damage to the airplane.

(f) Compliance

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

(g) Required Actions

(1) Remove from service the applicable second stage turbine rotor assembly, P/Ns 3102106–1, –6 and –8, according to the schedule in Table 1 to Paragraph (g)(1) of this AD:

Table 1 to Paragraph (g)(1) of this AD – Removal of Second Stage Rotor, P/Ns 3102106-1, -6 and -8

Second Stage Turbine Rotor Cycles Since New (CSN) on the effective date of the AD	Removal Schedule
0 to 2,600	Prior to 3,000 CSN
2,601 to 3,300	Within 400 cycles-in-service (CIS) after the effective date of this AD or 3,600 CSN, or at next access, whichever occurs first
3,301 to 4,000	Within 200 cycles-in-service after the effective date of this AD or 4,100 CSN, or at next access, whichever occurs first
4,001 to 4,800	Within 100 cycles-in-service after the effective date of this AD or 4,800 CSN, or at next access, whichever occurs first

(2) Remove from service the applicable second stage turbine rotor assembly, P/Ns 3101514–1, –10 and –12, per the schedule in Table 2 to Paragraph (g)(2) of this AD:

Table 2 to Paragraph (g)(2) of this AD – Removal of Second Stage Rotors, P/Ns 3101514-1, -10 and -12

Second Stage Turbine Rotor CSN on the effective date of the AD	Removal Schedule
0 to 2,600	Prior to 3,000 CSN
2,601 to 3,200	Within 400 CIS after the effective date of this AD or 3,600 CSN, or at next access, whichever occurs first.
3,201 to 3,800	Within 200 CIS after the effective date of this AD or 4,100 CSN, or at next access, whichever occurs first.
3,801 to 4,400	Within 100 CIS after the effective date of this AD or 4,400 CSN, or at next access, whichever occurs first.

(h) Definition

For the purpose of this AD, ''next access'' is defined as when the applicable second stage turbine rotor assembly is removed from the engine.

(i) Installation Prohibition

As of the effective date of this AD, do not install second stage turbine rotor assemblies, P/Ns 3102106–1, –6, and –8 and P/Ns 3101514–1, –10, and –12 on any engine.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles ACO, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (k)(1) of this AD.

(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.

(k) Related Information

(1) For more information about this AD, contact Joseph Costa, Aerospace Engineer, Los Angeles ACO Branch, FAA, 3960 Paramount Blvd., Lakewood, CA 90712–4137; phone: 562–627–5246; fax: 562–627–5210; email: *joseph.costa@faa.gov.*

(2) For service information identified in this AD, contact Honeywell International Inc., 111 S 34th Street, Phoenix, AZ 85034–2802; phone: 800–601–3099; internet: *https://myaerospace.honeywell.com/wps/portal.* You may view this referenced service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7759.

Issued in Burlington, Massachusetts, on June 14, 2018.

Robert J. Ganley,

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

[FR Doc. 2018–13211 Filed 6–19–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0546; Product Identifier 2017–NM–171–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes. This proposed AD was prompted by reports of multiple in-flight departures of the aft belly fairing access panels. This proposed AD would require modification of the aft belly fairing access panels. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by August 6, 2018.

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

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

For service information identified in this NPRM, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* internet *http://www.bombardier.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0546; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Andrea Jimenez, Aerospace Engineer,

Airframe and Mechanical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7330; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0546; Product Identifier 2017–NM–171–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this NPRM.

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF–2017–31, dated September 22, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes. The MCAI states:

> There have been multiple in-service occurrences where operators reported in-flight departure of the aft belly fairing access panels, 185CL and/or 186CR. There has been no damage reported to the affected aircraft to date, however departure of the panels in any phase of flight could create runway hazards or a hazard to persons and property on the ground.
>
> Bombardier Inc. has issued Service Bulletins (SBs) to incorporate new self – locking nutplates with associated hardware (retaining rings and studs) to improve fastener engagement. A bracket has also been added to provide two additional panel attachment points.
>
> This [Canadian] AD requires the incorporation of these design changes to prevent departure of the two aft belly fairing access panels in flight and the associated risk on the ground.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0546.

Related Service Information Under 1 CFR Part 51

Bombardier has issued the following service information:

- Service Bulletin 700–1A11–53–025, Revision 01, dated December 16, 2016;
- Service Bulletin 700–53–050, Revision 01, dated December 16, 2016;
- Service Bulletin 700–53–5009, Revision 01, dated December 16, 2016; and
- Service Bulletin 700–53–6008, Revision 01, dated December 16, 2016.

The service information describes actions to modify the aft belly fairing access panels by replacing the attachments. These documents are distinct since they apply to different airplane models in different configurations. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

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

Costs of Compliance

We estimate that this proposed AD affects 110 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
4 work-hours × $85 per hour = $340	$2,640	$2,980	$327,800

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

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bombardier, Inc.: Docket No. FAA–2018–0546; Product Identifier 2017–NM–171–AD.

(a) Comments Due Date

We must receive comments by August 6, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes, certificated in any category, serial numbers 9002 through 9770 inclusive, 9772 through 9781 inclusive, and 9998.

(d) Subject

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

(e) Reason

This AD was prompted by reports of multiple in-flight departures of the aft belly fairing access panels. We are issuing this AD to prevent in-flight departures of the aft belly fairing access panels, which could result in runway hazards or hazards to people on the ground.

(f) Compliance

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

(g) Access Panel Modification

Within 15 months after the effective date of this AD, modify the aft belly fairing access panels by replacing the attachments, in accordance with the Accomplishment Instructions of the applicable service information identified in paragraphs (g)(1) and (g)(2) of this AD.

(1) For Model BD–700–1A10 airplanes: Bombardier Service Bulletin 700–53–050, or 700–53–6008, both Revision 01, both dated December 16, 2016.

(2) For Model BD–700–1A11 airplanes: Bombardier Service Bulletin 700–1A11–53–025, or 700–53–5009, both Revision 01, both dated December 16, 2016.

(h) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using the applicable service information identified in paragraphs (h)(1) through (h)(4) of this AD.

(1) Bombardier Service Bulletin 700–1A11–53–025, dated July 14, 2016.

(2) Bombardier Service Bulletin 700–53–050, dated July 14, 2016.

(3) Bombardier Service Bulletin 700–53–5009, dated July 14, 2016.

(4) Bombardier Service Bulletin 700–53–6008, dated July 14, 2016.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2017–31, dated September 22, 2017, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0546.

(2) For more information about this AD, contact Andrea Jimenez, Aerospace Engineer, Airframe and Mechanical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7330; fax 516–794–5531.

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* internet *http://www.bombardier.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Des Moines, Washington, on June 8, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–13126 Filed 6–19–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0556; Product Identifier 2018–NM–015–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Airbus Model A318 series; Model A319 series; Model A320 series; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. This proposed AD was prompted by reports of multiple angle of attack (AoA) probe blockages. This proposed AD would require all elevator aileron computer (ELAC) units to be upgraded with new software, or replaced with upgraded units. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by August 6, 2018.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

• *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0556; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3223; fax 206–231–3398.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0556; Product Identifier 2018–NM–015–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this NPRM.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0007R1, dated January 19, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A318 series; Model A319 series; Model A320 series; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. The MCAI states:

> Occurrences were reported on multiple Angle of Attack (AoA) probes blockages. Investigation results indicated the need for improved AoA monitoring in order to detect cases of AoA probe blockage.
>
> This condition, if not corrected, could lead to undue activation of the AoA protection, reverting to manual control of the aeroplane, which, under specific circumstances, could result in reduced control of the aeroplane.
>
> To address this potential unsafe condition, Airbus developed several Elevator Aileron Computer (ELAC) standards, *i.e.* ELAC units loaded with a specific software Part Number (P/N), and EASA issued AD 2017–0008, retaining part of the requirements of EASA AD 2015–0088R1 [which corresponds to FAA AD 2016–17–03, Amendment 39–18616 (81 FR 55358, August 19, 2016) (''AD 2016–17–03'')], which was superseded, and requiring an upgrade of all ELAC units with ELAC L99 standard, which introduces improvements in the AoA probe monitoring for Current Engine Option (CEO) aeroplanes, and also incorporates flight control aspects for New Engine Option (NEO) aeroplanes.
>
> Since that [EASA] AD was issued, it was determined that clarification is necessary for the Parts Installation requirements, and some typographical (P/N) errors were detected. This [EASA] AD is revised accordingly.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0556.

Relationship of Proposed AD to AD 2016–17–03

This NPRM does not propose to supersede AD 2016–17–03. Rather, we have determined that a stand-alone AD would be more appropriate to address the changes in the MCAI. This proposed AD would require all ELAC units to be upgraded with new software, or replaced with upgraded units. Accomplishment of the proposed actions would then terminate all of the requirements of AD 2016–17–03.

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A320–27–1263, Revision 00, dated April 28, 2017; and Service Bulletin A320–27–1264, Revision 00, dated April 28, 2017. The service information describes the upgrade or replacement of ELAC units. These documents are distinct because they apply to different airplane configurations.

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

FAA's Determination and Requirements of This Proposed AD

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

Costs of Compliance

We estimate that this proposed AD affects 1,250 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Modification	3 work-hours × $85 per hour = $255	Up to $7,970	Up to $8,225	Up to $10,281,250

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus: Docket No. FAA–2018–0556; Product Identifier 2018–NM–015–AD.

(a) Comments Due Date

We must receive comments by August 6, 2018.

(b) Affected ADs

This AD affects AD 2016–17–03, Amendment 39–18616 (81 FR 55358, August 19, 2016) (''AD 2016–17–03'').

(c) Applicability

This AD applies to the Airbus airplanes identified in paragraphs (c)(1) through (c)(4) of this AD, certificated in any category, all manufacturer serial numbers.

(1) Model A318–111, –112, –121, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.

(3) Model A320–211, –212, –214, –216, –231, –232, –233, –251N, and –271N airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes.

(d) Subject

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

(e) Reason

This AD was prompted by reports of multiple angle of attack (AoA) probe blockages. We are issuing this AD to address the blockage of AoA probes. This condition, if not corrected, could lead to undue activation of the AoA protection, reverting to manual control of the airplane, which, under specific circumstances, could result in reduced control of the airplane.

(f) Compliance

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

(g) Definition of Affected Elevator Aileron Computer (ELAC)

For the purposes of this AD, ELAC units having a part number (P/N) listed in table 1 to paragraphs (g), (h), and (i) of this AD are hereafter referred to as ''affected ELAC'' in this AD.

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Table 1 to paragraphs (g), (h), and (i) of this AD – *Affected ELAC Part Numbers*

ELAC P/N	Designation	FIN
3945122202	ELAC A320-111 Type Def.	2 CE 1 / 2
3945122203	ELAC L50C	2 CE 1 / 2
3945122303	ELAC L50C	2 CE 1 / 2
3945122304	ELAC L60	2 CE 1 / 2
3945122305	ELAC L61B	2 CE 1 / 2
3945122306	ELAC L61F	2 CE 1 / 2
3945122307	ELAC L62C	2 CE 1 / 2
C12370AA01	ELAC L68C	2 CE 1 / 2
3945122501	ELAC L69	2 CE 1 / 2
3945122502	ELAC L69J	2 CE 1 / 2
3945122503	ELAC L77	2 CE 1 / 2
3945122504	ELAC L78	2 CE 1 / 2
3945122505	ELAC A L80	2 CE 1 / 2
3945123505	ELAC A' L80	2 CE 1 / 2
3945128101	ELAC B L80	2 CE 1 / 2
3945122506	ELAC A L81	2 CE 1 / 2
3945123506	ELAC A' L81	2 CE 1 / 2
3945128102	ELAC B L81	2 CE 1 / 2
3945122507	ELAC A L82	2 CE 1 / 2
3945123507	ELAC A' L82	2 CE 1 / 2
3945128103	ELAC B L82	2 CE 1 / 2
3945122608	ELAC A L83	2 CE 1 / 2
3945123608	ELAC A' L83	2 CE 1 / 2
3945122609	ELAC A L84	2 CE 1 / 2
3945123609	ELAC A' L84	2 CE 1 / 2
3945128204	ELAC B L90L	2 CE 1 / 2
3945128205	ELAC B L90N	2 CE 1 / 2
3945128206	ELAC B L91	2 CE 1 / 2
3945129101	ELAC B L91 data loadable	2 CE 1 / 2 SW1
3945128207	ELAC B L92	2 CE 1 / 2
3945128208	ELAC B L92L	2 CE 1 / 2
3945128209	ELAC B L93	2 CE 1 / 2
3945129103	ELAC B L93 data loadable	2 CE 1 / 2 SW1
3945128210	ELAC B L94	2 CE 1 / 2

ELAC P/N	Designation	FIN
3945129104	ELAC B L94 data loadable	2 CE 1 / 2 SW1
3945128212	ELAC B L96	2 CE 1 / 2
3945129106	ELAC B L96 data loadable	2 CE 1 / 2 SW1
3945129107	ELAC B L96 H-A data loadable	2 CE 1 / 2 SW1
3945128214	ELAC B L97	2 CE 1 / 2
3945129108	ELAC B L97 data loadable	2 CE 1 / 2 SW1
3945128215	ELAC B L97+	2 CE 1 / 2
3945129109	ELAC B L97+ data loadable	2 CE 1 / 2 SW1
3945128216	ELAC B L98	2 CE 1 / 2
3945129110	ELAC B L98 data loadable	2 CE 1 / 2 SW1

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(h) Required Actions

For airplanes with ELAC part numbers listed in table 1 to paragraphs (g), (h), and (i) of this AD: Within the applicable compliance times defined in figure 1 to paragraph (h) of this AD, upgrade each ELAC by uploading L99 software part number (P/N) 3945129111 or by replacing the existing ELAC with ELAC L99 P/N 3945128217 in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–27–1263, Revision 00, dated April 28, 2017, or Airbus Service Bulletin A320–27–1264, Revision 00, dated April 28, 2017, as applicable, or in accordance with modification instructions approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA); or in accordance with modification instructions approved by an EASA DOA (other than the Airbus EASA DOA), provided the conditions specified in paragraphs (h)(1) through (h)(4) of this AD are met. If approved by the DOA, the approval must include the DOA-authorized signature.

(1) Absence of electronic centralized aircraft monitoring (ECAM) warning or maintenance message related to ELAC, before the data-loadable ELAC unit is removed and software is loaded.

(2) The data-loadable ELAC unit is removed as specified in Airbus aircraft maintenance manual (AMM) Task 27–93–34–000–001–A.

(3) The data-loadable ELAC unit is checked by two different means, either line replaceable unit (LRU) identification and label call up, or Alpha Call Up ELA 1 and ELA 2.

(4) After the software is loaded, the data-loadable ELAC unit is re-installed as specified in Airbus AMM Task 27–93–34–400–001–A.

Note 1 to paragraph (h) of this AD: Non-data-loadable ELAC L99 P/N 3945128217 units are fully interchangeable and mixable with data-loadable ELAC L99 P/N 3945129100 units with L99 software P/N 3945129111 loaded.

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

Airplanes (all models)	Compliance Time (after the effective date of this AD)
A318, A319, and A321	Within 24 months
Model A320 series airplanes	Within 36 months

(i) Parts Installation Prohibition

(1) For airplanes with ELAC units listed in table 1 to paragraphs (g), (h), and (i) of this AD: After modification of an airplane as required by paragraph (h) of this AD, do not install any affected ELAC on that airplane.

(2) For airplanes with ELAC units not listed in table 1 to paragraphs (g), (h), and (i) of this AD: From the effective date of this AD, do not install any affected ELAC on that airplane.

(j) Installation of Later Software Versions

Installation of an ELAC unit with a software standard above L99 is equal to compliance with the requirements of paragraph (h) of this AD, provided the conditions specified in paragraphs (j)(1) through (j)(2) of this AD are met.

(1) The ELAC unit part number is approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA DOA.

(2) The installation is accomplished in accordance with modification instructions approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA DOA; or in accordance with modification instructions approved by an EASA DOA (other than the Airbus EASA DOA), provided the conditions in paragraphs (j)(2)(i) through (j)(2)(iv) of this AD are met.

(i) Absence of ECAM warning or maintenance message related to ELAC, before the data-loadable ELAC unit is removed and software is loaded.

(ii) The data-loadable ELAC unit is removed as specified in Airbus AMM Task 27–93–34–000–001–A.

(iii) The data-loadable ELAC unit is checked by two different means, either LRU identification and label call up, or Alpha Call Up ELA 1 and ELA 2.

(iv) After the software is loaded, the data-loadable ELAC unit is re-installed as specified in Airbus AMM Task 27–93–34–400–001–A.

(k) Airplanes Not Affected by the Requirements of Paragraph (h) of This AD

(1) An airplane on which any modification (mod) specified in paragraphs (k)(1)(i) and (k)(1)(ii) of this AD was embodied in production is not affected by the requirements of paragraph (h) of this AD, provided it is determined that no affected ELAC is installed as of the effective date of this AD.

(i) Airbus mod 161843 (installation of data-loadable ELAC P/N 3945129100 unit with L99 software P/N 3945129111) or mod

159979 (installation of non-data-loadable ELAC L99 P/N 3945128217).

(ii) Airbus mod 160577 (installation of data-loadable ELAC P/N 3945129100 unit with L101 software P/N 3945129112) or mod 162042 (installation of non-data-loadable ELAC L101 P/N 3945128218).

(2) An airplane on which any modification specified in paragraphs (k)(2)(i), (k)(2)(ii), or (k)(2)(iii) of this AD was done is not affected by the requirements of paragraph (h) of this AD, provided it is determined that no affected ELAC is installed as of the effective date of this AD.

(i) A modification specified in Airbus Service Bulletin A320–27–1267, Revision 00, dated September 27, 2017 (ELAC L101 P/N 3945128218 non-data-loadable).

(ii) A modification specified in Airbus Service Bulletin A320–27–1268, Revision 00, dated September 27, 2017 (ELAC P/N 3945129100 data-loadable with L101 software P/N 3945129112 for A320 NEO).

(iii) A modification specified in Airbus Service Bulletin A320–27–1269, Revision 00, dated September 27, 2017 (ELAC P/N 3945129100 data-loadable with L101 software P/N 3945129112).

(l) Terminating Action for AD 2016–17–03

Accomplishing the actions required by paragraph (h) of this AD or complying with any method of compliance specified in paragraph (k) of this AD terminates all requirements of AD 2016–17–03.

(m) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(n) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018–0007R1, dated January 19, 2018, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0556.

(2) For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3223; fax 206–231–3398.

(3) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Des Moines, Washington, on June 7, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–12885 Filed 6–19–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 100

[Docket No. FR–6111–A–01]

RIN 2529–ZA01

Reconsideration of HUD's Implementation of the Fair Housing Act's Disparate Impact Standard

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This advance notice of proposed rulemaking (ANPR) invites public comment on possible amendments to HUD's 2013 final rule implementing the Fair Housing Act's disparate impact standard, as well as the 2016 supplement to HUD's responses to certain insurance industry comments made during the rulemaking. HUD is reviewing the final rule and supplement to determine what changes, if any, are appropriate following the Supreme Court's 2015 ruling in *Texas Department of Housing and Community Affairs* v. *Inclusive Communities Project, Inc.,* which held that disparate impact claims were cognizable under the Fair Housing Act and discussed standards for, and the constitutional limitations on, such claims. As HUD conducts its review, it is soliciting public comment on the disparate impact standard set forth in the final rule and supplement, the burden-shifting approach, the relevant definitions, the causation standard, and whether changes to these or other provisions of the rule would be appropriate. HUD is also issuing this ANPR in response to public comments submitted on its May 15, 2017, **Federal Register** document seeking input on ineffective regulations and an October 26, 2017, recommendation from the Department of the Treasury.

DATES: *Comment Due Date:* August 20, 2018.

ADDRESSES: Interested persons are invited to submit comments to the Office of the General Counsel, Rules Docket Clerk, Department of Housing and Urban Development, 451 Seventh Street SW, Room 10276, Washington, DC 20410–0001. Communications should refer to the above docket number and title and should contain the information specified in the ''Request for Comments'' section. There are two methods for submitting public comments.

1. Submission of Comments by Mail. Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500. Due to security measures at all federal agencies, however, submission of comments by mail often results in delayed delivery. To ensure timely receipt of comments, HUD recommends that comments submitted by mail be submitted at least two weeks in advance of the public comment deadline.

2. Electronic Submission of Comments. Interested persons may submit comments electronically through the Federal eRulemaking Portal at *http://www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make comments immediately available to the public. Comments submitted electronically through the *http://www.regulations.gov* website can be viewed by other commenters and interested members of the public. Commenters should follow instructions provided on that site to submit comments electronically.

Note: To receive consideration as public comments, comments must be submitted through one of the two methods specified

above. Again, all submissions must refer to the docket number and title of the document.

No Facsimile Comments. Facsimile (fax) comments are not acceptable.

Public Inspection of Comments. All comments and communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at (202) 708–3055 (this is not a toll-free number). Copies of all comments submitted are available for inspection and downloading at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Krista Mills, Deputy Assistant Secretary, Office of Policy, Legislative Initiatives, and Outreach, Office Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451 7th Street SW, Room 5246, Washington, DC 20410; telephone number 202–402–6577. Individuals with hearing or speech impediments may access this number via TTY by calling the toll-free Federal Relay Service during working hours at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

Title VIII of the Civil Rights Act of 1968, as amended (Fair Housing Act or Act),[1] prohibits discrimination in the sale, rental, or financing of dwellings and in other housing-related activities on the basis of race, color, religion, sex, disability, familial status, or national origin. On February 15, 2013, HUD published a final rule, entitled ''Implementation of the Fair Housing Act's Discriminatory Effects Standard.'' [2] The final rule codified HUD's interpretation that the Fair Housing Act creates liability for practices with an unjustified discriminatory effect, even if those practices were not motivated by discriminatory intent.[3] Relying in part on case law under the Fair Housing Act and Title VII of the Civil Rights Act of 1964 (prohibiting employment discrimination), HUD's Disparate Impact Rule established a burden-shifting framework for analyzing claims of disparate impact under the Fair Housing Act.[4] In 2016, HUD published a supplement to its responses to certain insurance industry comments made during the rulemaking.[5] This ANPR uses the term ''Disparate Impact Rule'' to refer collectively to the 2013 final rule and 2016 supplement.

In 2015, in *Texas Department of Housing and Community Affairs* v. *Inclusive Communities Project, Inc.,*[6] (*Inclusive Communities*), the Supreme Court held that disparate impact claims are cognizable under the Fair Housing Act. The Court's opinion referenced HUD's Disparate Impact Rule, but the Court did not extensively review the rule or rely on it for its holding. Rather, the Court undertook its own analysis of the Fair Housing Act and discussed the standards for, and constitutional limitations on, disparate impact claims. The Supreme Court's ruling in *Inclusive Communities* recognized the availability of disparate impact claims under the Fair Housing Act independent of HUD's Disparate Impact Rule. HUD is reviewing the Disparate Impact Rule to determine what changes, if any, may be necessary in light of the *Inclusive Communities* decision. As it conducts this review, HUD welcomes public comment on other amendments to the Disparate Impact Rule that may be necessary or helpful.

The request for comments contained in this ANPR is also consistent with HUD's efforts to carry out the Administration's regulatory reform efforts. On May 15, 2017, HUD published a **Federal Register** document pursuant to Executive Orders 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' and 13777, ''Enforcing the Regulatory Reform Agenda,'' inviting public comments to assist HUD in identifying existing regulations that may be outdated, ineffective, or excessively burdensome.[7] In response, HUD received numerous comments asserting that the Disparate Impact Rule created uncertainty for commercial decisionmaking, as well as public policymaking, and that the rule is inconsistent with *Inclusive Communities.* On the other hand, HUD also received comments in support of the Disparate Impact Rule, asserting that it was cited in *Inclusive Communities* and is consistent with that decision. Additionally, in October 2017, the Secretary of the Treasury issued a report that explicitly recommended that HUD reconsider applications of the Disparate Impact Rule, especially in the context of the insurance industry.[8]

In light of *Inclusive Communities,* public comments submitted in response to HUD's May 15, 2017, **Federal Register** document, and the recommendation from the Department of the Treasury, HUD is seeking public comment on whether the Disparate Impact Rule should be revised for any considerations of law or policy raised in those fora or that are otherwise appropriate.

II. This Advance Notice of Proposed Rulemaking

HUD seeks public comment on appropriate changes, if any, to the Disparate Impact Rule. While the following list is not exhaustive, HUD is particularly interested in comments on the following questions:

1. Does the Disparate Impact Rule's burden of proof standard for each of the three steps of its burden-shifting framework clearly assign burdens of production and burdens of persuasion, and are such burdens appropriately assigned?

2. Are the second and third steps of the Disparate Impact Rule's burden-shifting framework sufficient to ensure that only challenged practices that are artificial, arbitrary, and unnecessary barriers result in disparate impact liability?

3. Does the Disparate Impacts Rule's definition of ''discriminatory effect'' in 24 CFR 100.500(a) in conjunction with the burden of proof for stating a prima facie case in 24 CFR 100.500(c) strike the proper balance in encouraging legal action for legitimate disparate impact cases while avoiding unmeritorious claims?

4. Should the Disparate Impact Rule be amended to clarify the causality standard for stating a prima facie case under *Inclusive Communities* and other Supreme Court rulings?

5. Should the Disparate Impact Rule provide defenses or safe harbors to claims of disparate impact liability (such as, for example, when another federal statute substantially limits a defendant's discretion or another federal statute requires adherence to state statutes)?

6. Are there revisions to the Disparate Impact Rule that could add to the clarity, reduce uncertainty, decrease regulatory burden, or otherwise assist the regulated entities and other members of the public in determining what is lawful?

[1] 42 U.S.C. 3601–3619, 3631.

[2] 78 FR 11460.

[3] *See* 24 CFR 100.5(b), 100.70(d)(5), 100.120(b), 100.130(b), and 100.500.

[4] *See* 24 CFR 100.500(c).

[5] *See* ''Application of the Fair Housing Act's Discriminatory Effects Standard to Insurance,'' 81 FR 69012 (Oct. 5, 2016).

[6] 135 S. Ct. 2507 (2015).

[7] 82 FR 22344.

[8] *See U.S. Department of the Treasury Report: A Financial System That Creates Economic Opportunities, Asset Management and Insurance* (Oct. 26, 2017), available at: *https://www.treasury.gov/press-center/press-releases/Documents/A-Financial-System-That-Creates-Economic-Opportunities-Asset_Management-Insurance.pdf.*

II. Findings and Certifications

Environmental Impact

This ANPR is exclusively concerned with nondiscrimination standards. Accordingly, under 24 CFR 50.19(c)(3), it is categorically excluded from environmental review under the National Environmental Policy Act (42 U.S.C. 4321–4347).

Regulatory Review—Executive Orders 12866 and 13563

Executive Order 12866 (Regulatory Planning and Review), a determination must be made whether a regulatory action is significant and therefore, subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the order. Executive Order 13563 (Improving Regulations and Regulatory Review) directs executive agencies to analyze regulations that are ''outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned. Executive Order 13563 also directs that, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public. This ANPR was reviewed by OMB and determined to likely result in a ''significant regulatory action,'' as defined in section 3(f) of Executive Order 12866.

Dated: June 18, 2018.

Anna Maria Farías,

Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 2018–13340 Filed 6–18–18; 4:15 pm]

BILLING CODE 4210–67–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket ID–OSHA–2007–0066]

RIN 1218–AC96

Cranes and Derricks in Construction: Operator Qualification

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

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

SUMMARY: On May 21, 2018, OSHA published a notice of proposed rulemaking (NPRM) titled ''Cranes and Derricks in Construction: Operator Qualification.'' The period for submitting public comments is being extended by 15 days to allow parties affected by the rule additional time to review the proposed rule and collect information and data necessary for comment.

DATES: *Comments:* The comment period for the proposed rule published in the **Federal Register** on May 21, 2018 (83 FR 23534), is extended. Submit comments to the proposed rule, including comments to the information collection requirements (described under the section titled ''Agency Determinations''), hearing requests, and other information by July 5, 2018. All submissions must bear a postmark or provide other evidence of the date submitted.

ADDRESSES: Submit comments, hearing requests, and other material, identified by Docket No. OSHA–2007–0066, using any of the following methods:

Electronically: Submit comments and attachments, as well as hearing requests and other information, electronically at *http://www.regulations.gov,* the Federal e-Rulemaking Portal. This docket may include several **Federal Register** notices for active rulemakings; therefore it is necessary to select the correct notice, or its ID number, to submit comments for this rulemaking. After accessing the docket (OSHA–2007–0066), check the ''proposed rule'' box in the column headed ''Document Type,'' find the document posted on the date of publication of this document, and click the ''Submit a Comment'' link. Additional instructions for submitting comments are available on the *http://www.regulations.gov* homepage.

Facsimile: OSHA allows facsimile transmission of comments that are ten pages or fewer in length (including attachments). Fax these documents to the OSHA Docket Office at (202) 693–1648. OSHA does not require submission of hard copies of these documents. For additional attachments that supplement comments submitted by facsimile (*e.g.,* studies, journal articles), commenters must submit these attachments to the OSHA Docket Office, Technical Data Center, Room N–3653, OSHA, U.S. Department of Labor, 200 Constitution Ave. NW, Washington, DC 20210. These attachments must clearly identify the sender's name, the date, subject, and the docket number (OSHA–2007–0066).

Regular mail, express delivery, hand delivery, and messenger (courier) service: Submit comments and any additional material to the OSHA Docket Office, RIN No. 1218–AC86, Technical Data Center, Room N–3653, OSHA, U.S. Department of Labor, 200 Constitution Ave. NW, Washington, DC 20210; telephone: (202) 693–2350, TTY number: (877) 889–5627. Contact the OSHA Docket Office for information about security procedures concerning delivery of materials by express delivery, hand delivery, and messenger service. The Docket Office will accept deliveries (express delivery, hand delivery, messenger service) during the Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., ET.

Information Collection Requirements: OSHA welcomes comments on the information collection requirements contained in this rule on the same basis as for any other aspect of the rule. Interested parties may also submit comments about the information collection requirements directly to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA (RIN 1218–AC96), Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503, Fax: (202) 395–6881 (this is not a toll-free number), email: *OIRA_submission@omb.eop.gov. See* Paperwork Reduction Act section of this preamble for particular areas of interest.

Instructions: All submissions must include the agency's name, the title of the rulemaking (Cranes and Derricks in Construction: Operator Qualification), and the docket number (OSHA–2007–0066). Absent copyright protections or other restrictions, OSHA will place comments and other material, including any personal information, in the public docket without revision, and the comments and other material will be available online at *http://www.regulations.gov.* Therefore, commenters should not submit statements they do not want made available to the public, or submit comments that contain personal information (either about themselves or others) such as Social Security Numbers, birth dates, and medical data.

Docket: To read or download comments or other material in the electronic docket, go to *http://www.regulations.gov* or to the OSHA Docket Office at the above address. Some information submitted (*e.g.,* copyrighted material) is not available publicly to read or download through this website. All submissions, including copyrighted material, are available for inspection at the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

FOR FURTHER INFORMATION CONTACT:

General information and press inquiries: Mr. Frank Meilinger, OSHA Office of Communications; telephone: (202) 693–1999; email: *Meilinger.Francis2@dol.gov.*

Technical inquiries: Mr. Vernon Preston, Directorate of Construction; telephone: (202) 693–2020; fax: (202) 693–1689; email: *preston.vernon@dol.gov.*

Copies of this Federal Register notice and news releases: Electronic copies of these documents are available at OSHA's web page at *http://www.osha.gov.*

SUPPLEMENTARY INFORMATION:

I. Extension of the Comment Period

On May 21, 2018, OSHA published a NPRM titled ''Cranes and Derricks in Construction: Operator Qualification'' (83 FR 23534). In the NPRM, OSHA proposed to amend 29 CFR part 1926, subpart CC, to revise sections that address crane operator training, certification/licensing, and competency. The purpose of these amendments are to: require comprehensive training of operators; remove certification by *capacity* from certification requirements; clarify and permanently extend the employer duty to evaluate potential operators for their ability to safely operate equipment covered by subpart CC; and require documentation of that evaluation.

The public comment period for this NPRM was to conclude on June 20, 2018, 30 days after publication of the NPRM. However, OSHA received requests from stakeholders for an extension of the public comment period (OSHA–2007–0066–0683 and –0693). These requests state that, given the complexity and significance of this NPRM, more time for submitting comments was necessary to gather information from members of the organizations and develop meaningful comments.

OSHA agrees to an extension and believes that a 15 day extension of the public comment period is a sufficient amount of time to address these concerns in light of the short period of time remaining before the deadline for crane operator certification. Therefore, the public comment period will now conclude July 5, 2018. Comments can be submitted by following the procedures listed under **ADDRESSES** section of this notice.

List of Subjects in 29 CFR Part 1926

Certification, Construction industry, Cranes, Derricks, Occupational safety and health, Qualification, Safety, Training.

Signed at Washington, DC, on June 15, 2018.

Loren Sweatt,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2018–13280 Filed 6–15–18; 4:15 pm]

BILLING CODE 4510–26–P

DEPARTMENT OF THE TREASURY

31 CFR Part 34

RIN 1505–AC55

Regulations for the Gulf Coast Restoration Trust Fund

AGENCY: Office of the Fiscal Assistant Secretary, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of the Treasury (Treasury) proposes to amend its rules to revise the method by which the statutory three percent limitation on administrative costs (referred to throughout this notice of proposed rulemaking (NPRM) as the ''three percent administrative cost cap'') is applied under the Direct Component, Comprehensive Plan Component, and Spill Impact Component under the Resources and Ecosystem Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act or Act). This proposed amendment will help ensure that the Gulf Coast states and localities have the necessary funding to efficiently and effectively oversee and manage projects and programs for ecological and economic restoration of the Gulf Coast Region while ensuring compliance with the statutory three percent administrative cost cap. It does not change the definition of ''administrative costs'' or the indirect cost reimbursement calculation on an individual federal grant using the negotiated indirect cost rate agreement (NICRA) or de minimis rate.

DATES: Written comments on this NPRM must be received on or before: July 20, 2018.

ADDRESSES: Treasury invites comments on the topic addressed in this NPRM. Comments may be submitted by any of the following methods:

Electronic Submission of Comments: Interested persons may submit comments electronically through the Federal eRulemaking Portal at *http://www.regulations.gov.* Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt, and enables Treasury to make them available to the public. Comments submitted electronically through the *http://www.regulations.gov* website can be viewed by other commenters and interested members of the public.

Mail: Send to Department of the Treasury, Attention: Laurie McGilvray, Office of Gulf Coast Restoration, Office of the Fiscal Assistant Secretary, Room 2112; 1500 Pennsylvania Avenue NW, Washington, DC 20220.

In general, Treasury will post all comments to *http://www.regulations.gov* without change, including any business or personal information provided, such as names, addresses, email addresses, or telephone numbers. All comments received, including attachments and other supporting materials, will be part of the public record and subject to public disclosure. You should submit only information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: The Office of Gulf Coast Restoration at *restoreact@treasury.gov,* or Laurie McGilvray at 202–622–7340.

SUPPLEMENTARY INFORMATION:

I. Background

The RESTORE Act (33 U.S.C. 1321(t) and note) makes funds available for the ecological and economic restoration of the Gulf Coast Region, and certain programs with respect to the Gulf of Mexico, through a trust fund in the Treasury of the United States known as the Gulf Coast Restoration Trust Fund (trust fund). The trust fund holds 80 percent of the administrative and civil penalties paid under the Federal Water Pollution Control Act after July 6, 2012 in connection with the *Deepwater Horizon* Oil Spill.

Treasury administers two of the five components established by the Act, the Direct Component and Centers of Excellence Research Grants Program. The Act also established an independent Federal entity, the Gulf Coast Ecosystem Restoration Council (Council), to administer two components of the Act, the Comprehensive Plan Component and the Spill Impact Component. The National Oceanic and Atmospheric Administration (NOAA) administers one component, the NOAA RESTORE Act Science Program. This NPRM only affects grants under the Direct Component, Comprehensive Plan Component, and Spill Impact Component of the Act, which are collectively referred to throughout the NPRM as the three ''components.''

On December 14, 2015, Treasury promulgated a final rule on the RESTORE Act, 80 FR 77239, which became effective on February 12, 2016.

The final rule contains two relevant limitations on the amount of grant funds that may be used for administrative costs.

First, the final rule subjects the grants to government-wide cost principles. Treasury's final rule defines ''administrative costs'' as ''indirect costs for administration'' and provides that such ''[c]osts must comply with administrative requirements and cost principles in applicable federal laws and policies on grants.'' 31 CFR 34.2, 34.200(a)(1). Treasury's final rule excludes ''indirect costs that are identified specifically with, or readily assignable to, facilities'' from its definition of ''administrative costs.''

Indirect cost principles are contained in the Office of Management and Budget's ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards'' in 2 CFR part 200, which Treasury has adopted. 2 CFR 1000.10. Indirect costs are defined in 2 CFR 200.56 and are allowable subject to Subpart E of 2 CFR part 200 and Appendix VII.

Under Subpart E, a grant recipient's negotiated indirect cost rate agreement (NICRA) with its cognizant agency determines the allowable indirect cost rate for the recipient's grants, taking into account the unique circumstances and cost structure of the recipient. The NICRA, or a de minimis rate if elected, must be used across all of the recipient's federal grants.[1] 2 CFR 200.414(c)(1). In accordance with the 2 CFR part 200 Uniform Guidance, Appendix VII—State and Local Government and Indian Tribe Indirect Cost Proposals, these allowable indirect costs are computed on each individual Federal award.

The second limitation for RESTORE awards on the amount of grant funds that can be used for administrative costs under the three components is a three percent administrative cost cap. The Act provides that ''[o]f the amounts received by a Gulf Coast State . . ., not more than 3 percent may be used for administrative costs . . . .'' 33 U.S.C. 1321(t)(1)(B)(iii)(I). The Act does not specify the method by which this three percent administrative cost cap is to be applied. Treasury's final rule, however, provides that the three percent administrative cost cap is to be applied on a grant-by-grant basis: ''The three percent limit is applied to the total amount of funds received by a recipient under each grant.'' 31 CFR 34.204(a). In other words, under the current regulation, the administrative costs associated with each particular grant may not exceed three percent of the total amount of that grant.

Thus, under the current regulation, allowable administrative costs for a particular grant, (*i.e.,* the indirect costs for administration) are limited to three percent of total funds received under that particular grant even in cases where a recipient's NICRA (or its de minimis rate) allows more.

For example, if a recipient with a NICRA with a direct labor base were to contract out the labor on a project, the indirect costs under its NICRA may be much lower than three percent of the total amount of the grant. In contrast, if the bulk of the labor is performed in-house, the indirect costs will typically be much greater than three percent of the total amount of the grant.

To address this issue, Treasury proposes to provide a recipient the option to apply the three percent administrative cost cap, within each component, on either a grant-by-grant basis or on an aggregate basis. More specifically, this proposed revision provides that the three percent administrative cost cap may be applied by component to a Gulf Coast State, coastal political subdivision, or coastal zone parish's trust fund allocation, *i.e.,* an aggregate of (1) all grants received by it under one component, and (2) the amount in the trust fund for the same component that is allocated to, but not yet received by it. As used in this NPRM, the phrase ''allocated to, but not yet received under that component by a Gulf Coast State, coastal political subdivision, or coastal zone parish'' refers only to funds presently in the trust fund and not to future deposits into the trust fund,[2] and includes the following amounts with respect to each component: (1) With respect to the Direct Component, amounts made available in equal shares for the Gulf Coast States in accordance with 31 CFR 34.302; (2) with respect to the Comprehensive Plan Component, the estimated aggregate cost of all projects included in all approved Funded Priorities Lists; and (3) with respect to the Spill Impact Component, amounts allocated to the Gulf Coast States in accordance with 31 CFR 34.502 and 40 CFR 1800.500.

The Treasury regulations allocate precise sums to specific entities based on criteria in the Act, which allows the flexibility to administer the administrative cost cap on an aggregate basis. Permitting recipients to allocate administrative costs by component from their ''pool'' in the trust fund toward the indirect costs in their grants will enable them to recover the maximum amount of indirect costs allowed under the Act and to more efficiently and effectively oversee and manage projects and programs. Under this methodology, if a recipient's allowable indirect costs for administration for one grant are less than three percent of the total amount of that grant, the difference would be available to cover allowable indirect costs for administration exceeding three percent on other grants.

The two methods for applying the three percent administrative cost cap are illustrated by the examples below.

Example 1—Grant-by-Grant Method

A recipient receives a Direct Component planning assistance grant totaling $216,494. The grant consists of $210,000 for direct costs and, under the three percent cap, $6,494 for indirect costs.

Example 2—Aggregate Method

As in the first example, a recipient with a NICRA receives a Direct Component planning assistance grant which includes $210,000 for direct costs. Under the aggregate method, its grant may also include $56,000 for indirect costs under its NICRA, for a grant totaling $266,000. The recipient has a total administrative cost pool of $2,600,000, based on three percent of its gross trust fund allocation for the Direct Component. The recipient has received indirect costs for administration totaling $112,000 for two prior grants, leaving a net amount of $2,488,000 available in its administrative cost pool. Therefore, the recipient may use $56,000 for indirect costs in this grant award because the funds are available in the pool.

At least annually, Treasury will post publicly the amounts available in the administrative cost ''pool'' by component, simultaneously with its updates to the trust fund allocations. At no time, however, may the total amount of administrative costs of a Gulf Coast State, coastal political subdivision, or coastal zone parish exceed three percent of the aggregate of (1) all grants received by it under one of the three components, and (2) the amount in the trust fund for

[1] Subpart E provides that when a recipient has never had a NICRA and receives $35 million or less in direct federal funding, a de minimis rate of 10 percent of modified total direct costs (MTDC) may be used to calculate its allowable indirect costs in lieu of establishing a NICRA. 2 CFR 200.414(f), 2 CFR part 200, Appendix VII(D)(1)(b).

[2] BP Exploration & Production Inc. began making annual civil penalty payments in April 2017, and is expected to continue to make annual payments through mid-2031 pursuant to a consent decree entered on April 4, 2016 under the Federal Water Pollution Control Act (Clean Water Act), of which 80 percent of the total will be deposited into the trust fund and invested. The annual payments into the trust fund through 2031 are expected to total $4.4 billion. In 2032, BP will make a final payment in the form of penalty interest.

the same component that is allocated to, but not yet received by such Gulf Coast State, coastal political subdivision, or coastal zone parish. Also, at no time would a recipient be able to recover more in indirect costs under an individual award than it would receive under its NICRA or its de minimis rate.

Treasury invites public comments on all aspects of this proposed amendment for 30 days, and anticipates publishing a final rule on this revision soon after the 30 day public comment period. In particular, Treasury solicits comments from eligible entities on the following: (1) Is the aggregate method an attractive option and if so, describe the benefits; (2) How would you manage and track administrative indirect costs under each method; (3) Is there an additional burden associated with managing the administrative indirect cost cap using the aggregate method?

II. This Notice of Proposed Rulemaking

For the reasons described above, Treasury proposes amending the method by which the statutory three percent administrative cost cap is applied under 31 CFR 34.204(a). Conceptually, the proposed revision allows each recipient to establish a ''pool'' of funds for administrative costs under each component if it so chooses. Within each component, a recipient may budget these funds among its grants, consistent with the definition of administrative costs at 31 CFR 34.2 and Subpart E. Treasury believes that this NPRM will help ensure that recipients have the necessary funding to efficiently and effectively oversee and manage projects and programs while ensuring compliance with the statutory three percent administrative cost cap and a recipient's NICRA or de minimis rate under Subpart E.

To clarify that recipients are no longer required to apply the three percent administrative cost cap on a grant-by-grant basis, Treasury proposes deleting ''in a grant'' from the first sentence of § 34.204(a). Treasury proposes replacing the second sentence in existing § 34.204(a), which currently requires the three percent administrative cost cap to be applied on a grant-by-grant basis, with language permitting the three percent administrative cost cap to be applied on either a grant-by-grant basis or on an aggregated basis within each component. For the latter method, this NPRM states that amounts used for administrative costs may not at any time exceed three percent of the aggregate of: (1) The amounts received under a component by a recipient, beginning with the first grant through the most recent grant, and (2) the amounts in the trust fund that are allocated to, but not yet received under such component, by a Gulf Coast State, coastal political subdivision, or coastal zone parish under § 34.103, consistent with the definition of administrative costs in § 34.2. This proposed revision helps ensure that the recipient will not exceed the statutory three percent administrative cost cap before the termination of the trust fund. Please note the NPRM does not amend the definition of administrative costs in § 34.2.

Treasury also proposes adding ''recipient and'' before ''subrecipient'' in the last sentence of § 34.204(a) to clarify that Federal grant law and policies apply to recipient costs as well as to subrecipient costs.

Treasury will conduct a retrospective analysis of this proposed revision no later than seven years after the date it becomes effective. This review will consider whether the revision ensures that the Gulf Coast states, coastal political subdivisions, and coastal zone parishes have the necessary funding to efficiently and effectively oversee and manage projects and programs for ecological and economic restoration of the Gulf Coast Region while ensuring compliance with the statutory three percent administrative cost cap, and whether it helps them to administer RESTORE grant projects effectively and efficiently.

III. Procedural Requirements

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) generally requires agencies to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedures Act or any other statute, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

Six of the 20 Louisiana parishes and six of the 23 Florida counties eligible to receive grants under the RESTORE Act have fewer than 50,000 residents. (2010 U.S. Census) and thus qualify as small governmental jurisdictions under the Regulatory Flexibility Act. (5 U.S.C. 601(5)). Treasury anticipates that this proposed revision will have no significant economic impact on these small entities because all recipients have the option to continue applying the three percent administrative cost cap on a grant-by-grant basis. Accordingly, Treasury certifies that the amendment to this regulation will not have a significant impact upon a substantial number of small entities, and no regulatory flexibility analysis is required.

B. Regulatory Planning and Review (Executive Orders 12866 and 13563)

The amendment to the regulation is a significant regulatory action as defined in Executive Order 12866, as supplemented by Executive Order 13563.

C. Catalog of Federal Domestic Assistance

The affected program for Treasury is listed in the Catalog of Federal Domestic Assistance Program under 21.015, Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States. The affected programs for the Council are listed under 87.051, and 87.052, for its Comprehensive Plan and Spill Impact Components, respectively.

List of Subjects in 31 CFR Part 34

Coastal zone, Fisheries, Grant programs, Grants administration, Intergovernmental relations, Marine resources, Natural resources, Oil pollution, Research, Science and technology, Trusts, Wildlife.

For the reasons set forth herein, the Department of the Treasury proposes to amend 31 CFR part 34 to read as follows:

PART 34—RESOURCES AND ECOSYSTEMS SUSTAINABILITY, TOURIST OPPORTUNITIES, AND REVIVED ECONOMIES OF THE GULF COAST STATES

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

Authority: 31 U.S.C. 301; 31 U.S.C. 321; 33 U.S.C. 1251 *et seq.*

■ 2. Amend § 34.204 by revising paragraph (a) to read as follows:

§ 34.204 Limitations on administrative costs and administrative expenses.

(a)(1) Of the amounts received by a Gulf Coast State, coastal political subdivision, or coastal zone parish from Treasury under the Direct Component, or from the Council under the Comprehensive Plan Component or Spill Impact Component, not more than three percent may be used for administrative costs. The three percent limit on administrative costs may be applied to the total amount of funds received by a recipient under each of the three Components either on a grant-by-grant basis or on an aggregate basis. For the latter method, amounts used for administrative costs under each of the

three Components may not at any time exceed three percent of the aggregate of:

(i) The amounts received under a Component by a recipient, beginning with the first grant through the most recent grant; and

(ii) The amounts in the Trust Fund that are allocated to, but not yet received under such Component by a Gulf Coast State, coastal political subdivision, or coastal zone parish under § 34.103, consistent with the definition of administrative costs in § 34.2. The three percent limit does not apply to the administrative costs of subrecipients. All recipient and subrecipient costs are subject to the cost principles in Federal laws and policies on grants.

(2) Treasury will conduct a retrospective analysis of this provision no later than seven years after the date it becomes effective. This review will consider whether the revision ensures that the Gulf Coast states, coastal political subdivisions, and coastal zone parishes have the necessary funding to efficiently and effectively oversee and manage projects and programs for ecological and economic restoration of the Gulf Coast Region while ensuring compliance with the statutory three percent administrative cost cap, and whether it helps them to administer RESTORE grant projects effectively and efficiently.

* * * * *

David A. Lebryk,

Fiscal Assistant Secretary.

[FR Doc. 2018–13227 Filed 6–19–18; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF EDUCATION

34 CFR Chapter III

[Docket ID ED–2018–OSERS–0024]

Proposed Requirement—State Technical Assistance Projects To Improve Services and Results for Children Who Are Deaf-Blind and National Technical Assistance and Dissemination Center for Children Who Are Deaf-Blind (TA&D–DB)

Catalog of Federal Domestic Assistance (CFDA) Number: 84.326T.

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Proposed requirement.

SUMMARY: The Assistant Secretary for Special Education and Rehabilitative Services proposes a requirement under the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities (TA&D) program. The Assistant Secretary may use this requirement for a competition in fiscal year (FY) 2018 and later years.

DATES: We must receive your comments on or before July 11, 2018.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''How to Use *Regulations.gov.*''
- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about this proposed requirement, address them to Jo Ann McCann, U.S. Department of Education, 400 Maryland Avenue SW, Room 5162, Potomac Center Plaza, Washington, DC 20202–5076.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Jo Ann McCann, U.S. Department of Education, 400 Maryland Avenue SW, Room 5162, Potomac Center Plaza, Washington, DC 20202–5076. Telephone: (202) 245–7434. Email: *Jo.Ann.McCann@ed.gov.* Tina Diamond, 400 Maryland Avenue SW, Room 5136, Potomac Center Plaza, Washington, DC 20202–5076. Telephone: (202) 245–6674. Email: *Tina.Diamond@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:

Invitation to Comment: We invite you to submit comments regarding this document. We urge you to identify clearly the specific issue that each comment addresses to ensure your comments are accurately represented in the development of the final requirements.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866, 13563, and 13771 and their overall requirement of reducing regulatory burden that might result from this proposed requirement. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about this proposed requirement by accessing *Regulations.gov.* You may also inspect the comments in person in Room 5145, 550 12th Street SW, Washington, DC, between 8:30 a.m. and 4:00 p.m., Eastern Time, Monday through Friday of each week except Federal holidays. Please contact the persons listed under **FOR FURTHER INFORMATION CONTACT.**

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this proposed requirement. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the persons listed under **FOR FURTHER INFORMATION CONTACT.**

Purpose of Program: The purpose of the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program is to promote academic achievement and to improve results for children with disabilities by providing technical assistance (TA), supporting model demonstration projects, disseminating useful information, and implementing activities that are supported by scientifically based research.

Program Authority: 20 U.S.C. 1461, 1463, 1481, and 1482.

Proposed Requirement

Background

The Individuals with Disabilities Education Act (IDEA) requires that the Secretary reserve $12,832,000 of IDEA Part D funds each year to address the needs of children with deaf-blindness (see section 682(d)(1)(A) of IDEA, 20 U.S.C. 1482(d)). The Office of Special Education Programs (OSEP) supports children who are deaf-blind and their

families in part by funding the State Technical Assistance Projects to Improve Services and Results for Children Who Are Deaf-Blind and National Technical Assistance and Dissemination Center for Children Who Are Deaf-Blind (TA&D–DB) competition (CFDA number 84.326T). Authorized activities include providing TA on evidence-based practices to professionals and others involved in providing services that promote academic achievement and improve results for children who are deaf-blind. For purposes of this document, the term ''children who are deaf-blind'' refers to infants, toddlers, children, youth, and young adults (birth through 21) who are deaf-blind.

To ensure that children who are deaf-blind and their families receive appropriate supports to address their specific needs, we propose a requirement that would limit the recovery of indirect costs by State Technical Assistance Projects to Improve Services and Results for Children Who Are Deaf-Blind (CFDA number 84.326T) grantees under this grant competition. The National Technical Assistance and Dissemination Center for Children Who Are Deaf-Blind (CFDA number 84.326T) (National Center) would not be subject to this limitation on recovery of indirect costs. The National Center's burden for indirect costs is different from the burden for State Technical Assistance Projects because the National Center does not provide TA directly to professionals who serve deaf-blind children.

The purpose of this requirement is to ensure that more Federal funding flows through to meet the needs of children who are deaf-blind. We are proposing this requirement based on 2 CFR 200.414(c)(1), which allows a Federal awarding agency to use an indirect cost rate different from the negotiated rate when required by Federal statute or regulation. Federal discretionary grantees have historically been reimbursed for indirect costs at the rate that the grantee has negotiated with its cognizant agency, and we believe that use of the negotiated rate is appropriate for most grants in most circumstances. However, grantees under the State Technical Assistance Projects to Improve Services and Results for Children Who Are Deaf-Blind program (CFDA number 84.326T), provide TA to professionals and others who provide direct services to children who are deaf-blind. Therefore, we believe most of these grants do not carry the same burden of overhead or administrative costs as do many other federally funded projects.

We analyzed historical grantee data for grants previously awarded under CFDA number 84.326T and found a wide range of indirect cost rate agreements in place. Over the past five years, indirect cost rate agreements for grantees under CFDA number 84.326T have ranged from 0 percent to 65 percent, with a median of 9 percent for 49 grantees examined. However, our analysis indicates that 28 grantees—approximately 60 percent—currently funded under this program operate grants with an indirect cost rate of 10 percent or less. Because a majority of current grantees are able to run programs using 90 percent or more of their grant funds to provide direct services, we believe it is reasonable to set a cap of 10 percent on the indirect costs for future grantees.

Proposed Requirement

Allowable Indirect Costs

A grantee may recover the lesser of (a) its actual indirect costs as determined by the grantee's negotiated indirect cost rate agreement and (b) 10 percent of its modified total direct costs. If a grantee's allocable indirect costs exceed 10 percent of its modified total direct costs, the grantee may not recoup the excess by shifting the cost to other grants or contracts with the U.S. Government, unless specifically authorized by legislation. The grantee must use non-Federal revenue sources to pay for such unrecovered costs.

Directed Question

The Department seeks additional comment on this question: If the Department required grantees to justify all indirect costs that exceed 10 percent, what circumstances could justify higher indirect costs? The Department is seeking comment on the circumstances that grantees may encounter that could result in indirect costs that exceed 10 percent.

Final Requirement

We will announce the final requirement for the State Technical Assistance Projects to Improve Services and Results for Children Who Are Deaf-Blind and National Technical Assistance and Dissemination Center for Children Who Are Deaf-Blind (TA&D–DB) competition (CFDA Number: 84.326T) in a document in the **Federal Register**. We will determine the final requirement after considering public comments on the proposed requirement and other information available to the Department. This document does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

This document does *not* solicit applications. In any year in which we choose to use this proposed requirement, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866, 13563, and 13771

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or Tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This proposed regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

Under Executive Order 13771, for each new regulation that the Department proposes for notice and comment or otherwise promulgates that is a significant regulatory action under Executive Order 12866 and that imposes total costs greater than zero, it must identify two deregulatory actions. For Fiscal Year 2018, any new incremental costs associated with a new regulation must be fully offset by the elimination of existing costs through deregulatory actions. However, Executive Order 13771 does not apply to ''transfer rules'' that cause only income transfers between taxpayers and program beneficiaries, such as those regarding discretionary grant programs. The proposed requirement would be utilized in connection with a discretionary grant program and, therefore, Executive Order 13771 is not applicable.

We have also reviewed this proposed regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing this proposed requirement based on a reasoned determination that the benefits would justify the costs. In choosing among alternative regulatory approaches, we selected this approach to maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action would not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. This regulatory action may result in a subset of grantees under this program recovering less funds for indirect costs than they would otherwise have recovered prior to this proposed new maximum indirect cost rate, which could impact their operations. Further, it could result in particular entities not seeking funding under this program because of an inability to operate under this proposed new maximum indirect cost rate. However, we believe that the benefits to program beneficiaries of utilizing a higher percentage of program funds for direct services outweigh these costs.

Paperwork Reduction Act of 1995

This document does not contain Paperwork Reduction Act requirements. The Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program has been approved by OMB to collect data under OMB 1820–0028. The proposed requirement would not impact the approved and active data collection.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance. This document provides early notification of our specific plans and actions for this program.

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 persons listed under **FOR FURTHER INFORMATION CONTACT**.

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

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

Dated: June 15, 2018.

Johnny W. Collett,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2018–13269 Filed 6–19–18; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2017–0542; FRL–9979–65—Region 4]

Air Plan Approval; Tennessee: Knox County NSR Reform

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve several Tennessee State Implementation Plan (SIP) revisions submitted by the Tennessee Department of Environment & Conservation (TDEC), on behalf of Knox County's Air Quality Management Division, on March 7, 2017, and April 17, 2017. The SIP revisions modify the Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) regulations in the Knox County portion of the Tennessee SIP to address changes to the federal new source review (NSR) regulations in recent years for the implementation of the national ambient air quality standards (NAAQS). Additionally, the SIP revisions include updates to Knox County's minor source permitting regulations. This action is being proposed pursuant to the Clean Air Act (CAA or Act).

DATES: Comments must be received on or before July 20, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. FDMS Docket ID Number EPA–R04–OAR–2017–0542 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points

you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

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I. What action is EPA proposing?

EPA is proposing to approve changes to the Knox County portion of the Tennessee SIP regarding PSD and NNSR permitting, as well as updates to minor NSR, submitted by TDEC on behalf of Knox County's Air Quality Management Division. On March 7, 2017, Tennessee submitted two SIP revisions updating Knox County's Air Quality Management Regulations, Section 41.0 entitled ''Regulations for the Review of New Sources,'' and Section 45.0 entitled ''Prevention of Significant Deterioration.'' On April 17, 2017, Tennessee submitted two additional SIP revisions, including additional changes to Section 41, and updates to Section 25.0 entitled ''Permits.'' These SIP revisions are meant to address changes to the federal NSR regulations, as promulgated by EPA in various rules, and described below. EPA is proposing to approve the aforementioned SIP submittals in their entirety. Additional detail on the analysis of these SIP submittals and our reasoning for proposing to approve them is presented below.

II. Background

A. 2002 NSR Reform Rules

On December 31, 2002, EPA published final rule revisions to title 40 Code of Federal Regulations (CFR) parts 51 and 52, regarding the CAA's PSD and NNSR programs. *See* 67 FR 80186 (hereinafter referred to as the 2002 NSR Rule). The revisions included five changes to the major NSR program that would reduce burden, maximize operating flexibility, improve environmental quality, provide additional certainty, and promote administrative efficiency. These elements included baseline actual emissions, actual-to-projected-actual emissions methodology, plant-wide applicability limits (PALs), Clean Units, and pollution control projects (PCPs). The final rule also codified a longstanding policy regarding the calculation of baseline emissions for electric utility steam generating units and the definition of ''regulated NSR pollutant'' that clarifies which pollutants are regulated under the Act for purposes of major NSR.

Following publication of the 2002 NSR Rule, EPA received numerous petitions requesting reconsideration of several aspects of the final rule, along with portions of EPA's 1980 NSR Rules. *See* 45 FR 52676 (August 7, 1980). On July 30, 2003, EPA granted petitions for reconsideration of six issues presented by the petitioners and opened a new comment period for the public.[1] As a result of the reconsideration, on November 7, 2003 (68 FR 63021), EPA published the NSR Reform Reconsideration Rule. In the reconsideration rule, EPA made a final determination not to change any of the six issues opened for reconsideration, but did make two clarifications to the rule. These two clarifications included: (1) Adding the definition of ''replacement unit'' to indicate that it is considered an existing unit in terms of major NSR applicability, and (2) specifying that the PAL baseline calculation procedures for newly constructed units do not apply to modified units. The 2002 NSR Rule and the NSR Reform Reconsideration Rule are hereinafter collectively referred to as the ''2002 NSR Reform Rules.''

The 2002 NSR Reform Rules were challenged in the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit), and the court issued a decision on the challenges on June 24, 2005. *See New York* v. *United States,* 413 F.3d 3 (D.C. Cir. 2005). In summary, the D.C. Circuit vacated portions of EPA's NSR rules pertaining to Clean Units and PCPs, remanded a portion of the rules regarding recordkeeping and the term ''reasonable possibility'' found in 40 CFR 52.21(r)(6), 40 CFR 51.166(r)(6), and 40 CFR 51.165(a)(6) to EPA, and either upheld or did not comment on the other provisions included as part of the 2002 NSR Reform Rules. On June 13, 2007 (72 FR 32526), EPA took final action to revise the 2002 NSR Reform Rules to exclude the portions that were vacated by the D.C. Circuit.

Meanwhile, EPA continued to move forward with its evaluation of the portion of its NSR Reform Rules that were remanded by the D.C. Circuit. On March 8, 2007 (72 FR 10445), EPA responded to the Court's remand regarding the recordkeeping provisions by proposing two alternative options to clarify what constitutes ''reasonable possibility'' and when the ''reasonable possibility'' recordkeeping requirements apply. The ''reasonable possibility'' standard identifies the circumstances under which a major stationary source must keep records for modifications that do not trigger major NSR. EPA later finalized these changes on December 21, 2007 (72 FR 72607).

Separately from the petitions received that led to the 2002 NSR Reconsideration Rule, EPA received another petition for reconsideration on July 11, 2003. Specifically, the petitioner requested EPA to reconsider the inclusion of ''fugitive emissions'' when assessing whether a proposed physical or operational change qualified as a ''major modification.'' On November 13, 2007, EPA granted the petition for reconsideration, and on December 19, 2008, finalized the revision of the language to clarify which types of sources were required to include ''fugitive emissions'' in their calculations. *See* 73 FR 77882 (hereinafter referred to as the Fugitive Emissions Rule).

Finally, on February 17, 2009, EPA received one additional petition challenging the Fugitive Emissions Rule. Due to this petition, and after

[1] For full details on the six issues reconsidered by EPA, refer to the July 30, 2003 (68 FR 44624) document.

several stays,[2] EPA established an interim stay on March 30, 2011 (76 FR 17548), in which most of the Fugitive Emissions Rule language was stayed indefinitely. With the March 30, 2011, stay, EPA specified which portions of 40 CFR 51.165, 40 CFR 51.166, and 40 CFR 52.21 were stayed indefinitely, which were reinstated, and which were revised, in order to revert the federal rules to regulatory language that existed prior to the Fugitive Emissions Rule.

In summary, after several court decisions and public petitions, the federal major NSR program (found in 40 CFR 51.165, 51.166, and 52.21) no longer includes the provisions related to Clean Units or PCPs that were part of the 2002 NSR reform rules. Additionally, an indefinite stay has been placed on the language related to the Fugitive Emissions Rule. Knox County is adopting all of the surviving provisions from the 2002 NSR Reform Rules, and is not adopting all those provisions that were either vacated or stayed indefinitely. More details on Knox County's adoption of the 2002 NSR Reform Rules and our analysis of its submittals can be found in section III below.

B. $PM_{2.5}$ NAAQS

1. Implementation of NSR for the $PM_{2.5}$ NAAQS and Grandfathering Provisions

On May 16, 2008 (73 FR 28321), EPA published the ''Implementation of the New Source Review (NSR) Program for Particulate Matter Less than 2.5 Micrometers ($PM_{2.5}$)'' Final Rule (hereinafter referred to as the NSR $PM_{2.5}$ Rule). The 2008 NSR $PM_{2.5}$ Rule revised the NSR program requirements to establish the framework for implementing preconstruction permit review for the $PM_{2.5}$ NAAQS in both attainment and nonattainment areas. As indicated in the 2008 NSR $PM_{2.5}$ Rule, major stationary sources seeking permits must begin directly satisfying the $PM_{2.5}$ requirements, as of the effective date of the rule, rather than relying on PM_{10} as a surrogate, with two exceptions. The first exception was a ''grandfathering'' provision in the federal PSD program at 40 CFR 52.21(i)(1)(xi). This grandfathering provision applied to sources that had applied for, but had not yet received, a final and effective PSD permit before the July 15, 2008, effective date of the May 2008 final rule. The second exception was that states with SIP-approved PSD programs could continue to implement a policy in which PM_{10} served as a surrogate for $PM_{2.5}$ for up to three years (until May 2011) or until the individual revised state PSD programs for $PM_{2.5}$ are approved by EPA, whichever came first.[3]

On February 11, 2010 (75 FR 6827), EPA proposed to repeal the grandfathering provision for $PM_{2.5}$ contained in the federal PSD program at 40 CFR 52.21(i)(1)(xi) and to end early the PM_{10} Surrogate Policy applicable in states that have a SIP-approved PSD program. In support of this proposal, EPA explained that the $PM_{2.5}$ implementation issues that led to the adoption of the PM_{10} Surrogate Policy in 1997 had been largely resolved to a degree sufficient for sources and permitting authorities to conduct meaningful permit-related $PM_{2.5}$ analyses. On May 18, 2011 (76 FR 28646), EPA took final action to repeal the $PM_{2.5}$ grandfathering provision at 40 CFR 52.21(i)(1)(xi). This final action ended the use of the 1997 PM_{10} Surrogate Policy for PSD permits under the federal PSD program at 40 CFR 52.21. In effect, any PSD permit applicant previously covered by the grandfathering provision (for sources that completed and submitted a permit application before July 15, 2008)[4] that did not have a final and effective PSD permit before the effective date of the repeal will not be able to rely on the 1997 PM_{10} Surrogate Policy to satisfy the PSD requirements for $PM_{2.5}$ unless the application includes a valid surrogacy demonstration.

The NSR $PM_{2.5}$ Rule also established the following NSR requirements to implement the $PM_{2.5}$ NAAQS: (1) Required NSR permits to address directly emitted $PM_{2.5}$ and precursor pollutants; (2) established significant emission rates for direct $PM_{2.5}$ and precursor pollutants (including sulfur dioxide (SO_2) and oxides of nitrogen (NO_X)); (3) established $PM_{2.5}$ emission offsets; and (4) required states to account for gases that condense to form particles (''condensables'') in $PM_{2.5}$ and PM_{10} emission limits in PSD or NNSR permits. In addition, the NSR $PM_{2.5}$ Rule gives states the option of allowing interpollutant trading for the purpose of precursor offsets under the $PM_{2.5}$ NNSR program.[5] Knox County did not adopt this optional interpollutant trading in its March 7, 2017, nor April 17, 2017, SIP revisions. Knox County is thereby being consistent with the State, since Tennessee does not currently have this interpollutant trading approved into its SIP.

2. $PM_{2.5}$ Condensables Correction Rule

Among the changes included in the 2008 NSR $PM_{2.5}$ Rule mentioned above, the EPA revised the definition of ''regulated NSR pollutant'' for PSD to add a paragraph providing that ''particulate matter (PM) emissions, $PM_{2.5}$ emissions and PM_{10} emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures'' and that on or after January 1, 2011, ''such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM, $PM_{2.5}$ and PM_{10} in permits.'' *See* 73 FR 28321 at 28348 (May 16, 2008). A similar paragraph added to the NNSR rule did not include ''particulate matter (PM) emissions.'' *See* 40 CFR 51.165(a)(1)(xxxvii)(D).

On October 25, 2012 (77 FR 65107), EPA took final action to amend the definition, promulgated in the 2008 NSR $PM_{2.5}$ Rule, of ''regulated NSR pollutant'' contained in the PM condensable provision at 40 CFR 51.166(b)(49)(vi), 52.21(b)(50)(i) and appendix S to 40 CFR part 51 (hereinafter referred to as the $PM_{2.5}$ Condensables Correction Rule). The $PM_{2.5}$ Condensables Correction Rule removed the inadvertent requirement in the 2008 NSR $PM_{2.5}$ Rule that the measurement of condensable particulate matter be included as part of the measurement and regulation of ''particulate matter emissions'' under the PSD program. The term ''particulate

[2] EPA originally established a three-month stay that became effective September 30, 2009 (74 FR 50115), which was later extended for an additional three months, effective December 31, 2009 (74 FR 65692). In order to allow for more time for the reconsideration and for public comment on any potential revisions to the Fugitive Emissions Rule, EPA established a longer 18-month stay that became effective on March 31, 2010 (75 FR 16012).

[3] After EPA promulgated the NAAQS for $PM_{2.5}$ in 1997, the Agency issued a guidance document entitled ''Interim Implementation of New Source Review Requirements for $PM_{2.5}$,'' which allows for the regulation of PM_{10} as a surrogate for $PM_{2.5}$ until significant technical issues were resolved (the ''PM_{10} Surrogate Policy''). John S. Seitz, EPA, October 23, 1997.

[4] Sources that applied for a PSD permit under the federal PSD program on or after July 15, 2008, are already excluded from using the 1997 PM_{10} Surrogate Policy as a means of satisfying the PSD requirements for $PM_{2.5}$. *See* 73 FR 28321.

[5] On July 21, 2011, as a result of reconsidering the interpollutant trading (IPT) policy, EPA issued a memorandum indicating that the existing preferred precursor offset ratios associated with the IPT policy and promulgated in the NSR $PM_{2.5}$ Rule were no longer considered approvable. The memorandum stated that any $PM_{2.5}$ precursor offset ratio submitted as part of the NSR SIP for $PM_{2.5}$ nonattainment areas would need to be accompanied by a technical demonstration exhibiting how the ratios are suitable for that particular nonattainment area. *See* Memorandum from Gina McCarthy to Regional Air Division Directors, ''Revised Policy to Address Reconsideration of Interpollutant Trading Provisions for Fine Particles ($PM_{2.5}$)'' (July 21, 2011) (available at *https://www3.epa.gov/scram001/guidance/clarification/pm25trade.pdf*).

matter emissions'' includes only filterable particles that are larger than $PM_{2.5}$ and larger than PM_{10}.

3. $PM_{2.5}$ Subpart 4 Litigation

On January 4, 2013, the D.C. Circuit issued a judgment [6] that remanded EPA's April 25, 2007 [7] and May 16, 2008 $PM_{2.5}$ implementation rules implementing the 1997 $PM_{2.5}$ NAAQS. *See Natural Resources Defense Council* v. *EPA,* 706 F.3d 428 (D.C. Cir. 2013). The Court found that because the statutory definition of PM_{10} (see section 302(t) of the CAA) included particulate matter with an aerodynamic diameter less than or equal to 10 micrometers, it necessarily includes $PM_{2.5}$. EPA had developed the 2007 and 2008 Rules (or NSR $PM_{2.5}$ Rule) consistent with the general nonattainment area (NAA) requirements of subpart 1 of Part D, title I, of the CAA. Relative to subpart 1, subpart 4 of Part D, title I includes additional provisions that apply to PM_{10} NAAs and is more specific about what states must do to bring areas into attainment. In particular, subpart 4 includes section 189(e) of the CAA, which requires the control of major stationary sources of PM_{10} precursors (and hence under the court decision, $PM_{2.5}$ precursors) ''except where the Administrator determines that such sources do not contribute significantly to PM_{10} levels which exceed the standard in the area.'' The court ordered EPA to re-promulgate the 1997 $PM_{2.5}$ implementation rules pursuant to subpart 4, rather than subpart 1.

On June 2, 2014 (79 FR 31566), EPA published a final rule [8] which, in part, set a December 31, 2014, deadline for states to make any remaining required attainment-related and NNSR SIP submissions, pursuant to and considering the application of subpart 4. Requirements under subpart 4 for a moderate NAA are generally comparable to subpart 1, including: (1) CAA section 189(a)(1)(A) (NNSR permit program); (2) section 189(a)(1)(B) (attainment demonstration or demonstration that attainment by the applicable attainment date is impracticable); (3) section 189(a)(1)(C) (reasonably available control measures (RACM) and reasonably available control technology (RACT)); and (4) section 189(c) (reasonable further progress and quantitative milestones). The additional requirements pursuant to subpart 4 as opposed to subpart 1 correspond to section 189(e) (precursor requirements for major stationary sources). Further additional SIP planning requirements are introduced by subpart 4 in the case that a moderate NAA is reclassified to a serious NAA, or in the event that the moderate NAA needs additional time to attain the NAAQS. The additional requirements under subpart 4 are not applicable for the purposes of CAA section 107(d)(3)(E) in any area that has submitted a complete redesignation request prior to the due date for those requirements. As discussed below, the Knoxville Area [9] has since been redesignated to attainment for the $PM_{2.5}$ NAAQS.

4. $PM_{2.5}$ PSD-Increment-SILs-SMC Rule

On October 20, 2010 (75 FR 64863), EPA published a final rulemaking entitled ''Prevention of Significant Deterioration (PSD) for Particulate Matter less than 2.5 Micrometers ($PM_{2.5}$),'' amending the requirements for $PM_{2.5}$ under the federal PSD program (also referred to as the $PM_{2.5}$ PSD-Increments-SILs-SMC Rule). The October 20, 2010, final rulemaking established the following: (1) $PM_{2.5}$ increments pursuant to section 166(a) of the CAA to prevent significant deterioration of air quality in areas meeting the NAAQS; (2) $PM_{2.5}$ Significant Impact Levels (SILs) for PSD and NNSR; and (3) Significant Monitoring Concentration (SMC) for PSD purposes.

Subsequently, in response to a challenge to the $PM_{2.5}$ SILs and SMC provisions of the $PM_{2.5}$ PSD-Increment-SILs-SMC Rule, the D.C. Circuit vacated and remanded to EPA the portions of the rule addressing $PM_{2.5}$ SILs, except for the $PM_{2.5}$ SILs promulgated in EPA's NNSR rules at 40 CFR 51.165(b)(2). *See Sierra Club* v. *EPA,* 705 F.3d 458, 469 (D.C. Cir. 2013). The D.C. Circuit also vacated the parts of the rule establishing a $PM_{2.5}$ SMC for PSD purposes. *Id.* EPA removed these vacated provisions in a December 9, 2013 (78 FR 73698), final rule.

The $PM_{2.5}$ SILs promulgated in EPA's NNSR regulations at 40 CFR 51.165(b)(2) were not vacated by the D.C. Circuit because unlike the SILs promulgated in the PSD regulations (40 CFR 51.166, 52.21), the SILs promulgated in the NNSR regulations at 40 CFR 51.165(b)(2) do not serve to exempt a source from conducting a cumulative air quality analysis. Rather, the SILs promulgated at 40 CFR 51.165(b)(2) establish levels at which a proposed new major source or major modification located in an area designated as attainment or unclassifiable for any NAAQS would be considered to cause or contribute to a violation of a NAAQS in any area. For this reason, the D.C. Circuit left the $PM_{2.5}$ SILs at 40 CFR 51.165(b)(2) in place.

Consistent with the D.C. Circuit decision, and EPA's removal, Knox County did not adopt these vacated portions of the $PM_{2.5}$ PSD-Increment-SILs-SMC Rule, regarding the $PM_{2.5}$ SILs and SMC provisions for PSD permitting. Knox County did adopt the remaining portions of the $PM_{2.5}$ PSD-Increment-SILs-SMC Rule, which includes the $PM_{2.5}$ PSD Increments and the NNSR portion of the $PM_{2.5}$ SILs provisions.

C. 1997 8-Hour Ozone NAAQS Phase 2 Rule

On November 29, 2005 (70 FR 71612), EPA published a final rule entitled ''Final Rule To Implement the 8-Hour Ozone National Ambient Air Quality Standard—Phase 2; Final Rule To Implement Certain Aspects of the 1990 Amendments Relating to New Source Review and Prevention of Significant Deterioration as They Apply in Carbon Monoxide, Particulate Matter and Ozone NAAQS; Final Rule for Reformulated Gasoline'' (hereinafter referred to as the Phase 2 Rule). The Phase 2 Rule addressed control and planning requirements as they applied to areas designated nonattainment for the 1997 8-hour ozone NAAQS [10] such as

[6] The Natural Resources Defense Council, Sierra Club, American Lung Association, and Medical Advocates for Healthy Air challenged before the D.C. Circuit EPA's April 25, 2007 Rule entitled ''Clean Air Fine Particle Implementation Rule'' (72 FR 20586), which established detailed implementation regulations to assist states with the development of SIPs to demonstrate attainment for the 1997 annual and 24-hour $PM_{2.5}$ NAAQS and the separate May 16, 2008 NSR $PM_{2.5}$ Rule (which is considered in this proposed rulemaking). This proposed rulemaking only pertains to the impacts of the Court's decision on the May 16, 2008 NSR $PM_{2.5}$ Rule and not the April 25, 2007 implementation rule as the State's May 2, 2011 SIP revision adopts the NSR permitting provisions established in the NSR $PM_{2.5}$ Rule.

[7] This rule is entitled ''Clean Air Fine Particle Implementation Rule,'' Final Rule, 72 FR 20586 (hereinafter referred to as the 2007 Rule).

[8] The rule is entitled ''Identification of Nonattainment Classification and Deadlines for Submission of State Implementation Plan (SIP) Provisions for the 1997 Fine Particle ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS) and 2006 $PM_{2.5}$ NAAQS'', Final Rule, 79 FR 31566 (June 2, 2014). This final rule also identifies the initial classification of current 1997 and 2006 $PM_{2.5}$ nonattainment areas as moderate and the EPA guidance and relevant rulemakings that are currently available regarding implementation of subpart 4 requirements.

[9] The ''Knoxville Area'' refers to the NAA for the 1997 and 2006 $PM_{2.5}$ NAAQS, which has since been redesignated. The area was comprised of the entire Anderson, Blount, Knoxville, and Loudon Counties, as well as a portion of Roane County, in Tennessee. This NAA was also referred to as the Knoxville-Sevierville-La Follette, Tennessee Area.

[10] On July 18, 1997, EPA promulgated a revised 8-hour ozone NAAQS of 0.08 parts per million—also referred to as the 1997 8-hour ozone NAAQS.

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reasonably available control technology, reasonably available control measures, reasonable further progress, modeling and attainment demonstrations, NSR, and the impact to reformulated gasoline for the 1997 8-hour ozone NAAQS transition. The NSR permitting requirements established in the rule included the following provisions: (1) Recognized NO_X as an ozone precursor for PSD purposes; (2) established major stationary thresholds (marginal, moderate, serious, severe, and extreme NAA classifications) in the NNSR rules; (3) established significant emission rates for the 8-hour ozone, PM_{10} and carbon monoxide NAAQS; and (4) revised the criteria for crediting emission reductions credits from operation shutdowns and curtailments as offsets, and changes to offset ratios for marginal, moderate, serious, severe, and extreme ozone NAA.

The March 7, 2017, SIP submittals requesting adoption of Knox County regulations 41 and 45 adopt all the NSR provisions of the Phase 2 Rule as they appear in the federal NNSR and PSD rules, effectively recognizing NO_X as a precursor to ozone as well as establishing major stationary thresholds, significant emission rates, and offset ratios. The adoption of these provisions is consistent with the federal NSR rules as well as TDEC's rules.

D. Greenhouse Gases and Plant-Wide Applicability Limits

On January 2, 2011, emissions of greenhouse gases (GHGs) were, for the first time, covered by the PSD and title V operating permit programs.[11] To establish a process for phasing in the permitting requirements for stationary sources of GHGs under the CAA PSD and title V programs, on June 3, 2010 (75 FR 31514), the EPA published a final rule entitled ''Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule'' (hereinafter referred to as the GHG Tailoring Rule). In Step 1 of the GHG Tailoring Rule, which began on January 2, 2011, the EPA limited application of PSD and title V requirements to sources of GHG emissions only if they were subject to PSD or title V ''anyway'' due to their emissions of pollutants other than GHGs. These sources are referred to as ''anyway sources.''

In Step 2 of the GHG Tailoring Rule, which applied as of July 1, 2011, the PSD and title V permitting requirements applied to some sources that were classified as major sources based solely on their GHG emissions or potential to emit GHGs. Step 2 also applied PSD permitting requirements to modifications of otherwise major sources that would increase only GHG emissions above the level in the EPA regulations. EPA generally described the sources covered by PSD during Step 2 of the GHG Tailoring Rule as ''Step 2 sources'' or ''GHG-only sources.''

Subsequently, EPA published the GHG Step 3 Rule on July 12, 2012 (77 FR 41051). In this rule, EPA decided against further phase-in of the PSD and title V requirements for sources emitting lower levels of GHG emissions. Thus, the thresholds for determining PSD applicability based on emissions of GHGs remained the same as established in Step 2 of the Tailoring Rule.

In addition, the July 12, 2012 (77 FR 41051), final rule revised EPA regulations under 40 CFR part 52 for establishing PALs for GHG emissions. A PAL establishes a site-specific plantwide emission level for a pollutant that allows the source to make changes at the facility without triggering the requirements of the PSD program, provided that emissions do not exceed the PAL level. Under EPA's interpretation of the federal PAL provisions, such PALs are already available under PSD for non-GHG pollutants and for GHGs on a mass basis. EPA revised the PAL regulations to allow for GHG PALs to be established on a carbon dioxide equivalent (CO_2e)[12] basis as well. EPA finalized these changes in an effort to streamline federal and SIP PSD permitting programs by allowing sources and permitting authorities to address GHGs using PALs in a manner similar to the use of PALs for non-GHG pollutants.

On June 23, 2014, the U.S. Supreme Court addressed the application of stationary source permitting requirements to GHG emissions in *Utility Air Regulatory Group (UARG)* v. *EPA,* 134 S. Ct. 2427 (2014). The Supreme Court upheld EPA's regulation of Step 1—or ''anyway'' sources—but held that EPA may not treat GHGs as air pollutants for the purposes of determining whether a source is a major source (or a modification thereof) and thus require the source to obtain a PSD or title V permit. Therefore, the Court invalidated PSD and title V permitting requirements for Step 2 sources.

In accordance with the Supreme Court decision, on April 10, 2015, the D.C. Circuit issued an Amended Judgment vacating the regulations that implemented Step 2 of the GHG Tailoring Rule, but not the regulations that implement Step 1 of the GHG Tailoring Rule. *Coalition for Responsible Regulation, Inc.* v. *EPA,* 606 Fed. Appx. 6, 7 (D.C. Cir. 2015). With respect to Step 2 sources, the D.C. Circuit's Judgment vacated the EPA regulations under review (including 40 CFR 51.166(b)(48)(v) and 40 CFR 52.21(b)(49)(v)) ''to the extent they require a stationary source to obtain a PSD permit if greenhouse gases are the only pollutant (i) that the source emits or has the potential to emit above the applicable major source thresholds, or (ii) for which there is a significant emissions increase from a modification.'' *Id.* at 7–8.

EPA promulgated a final rule on August 19, 2015, entitled ''Prevention of Significant Deterioration and Title V Permitting for Greenhouse Gases: Removal of Certain Vacated Elements.'' *See* 80 FR 50199 (August 19, 2015). The rule removed from the Federal regulations the portions of the PSD permitting provisions for Step 2 sources that were vacated by the D.C. Circuit (*i.e.,* 40 CFR 51.166(b)(48)(v) and 52.21(b)(49)(v)). EPA therefore no longer has the authority to conduct PSD permitting for Step 2 sources, nor can EPA approve provisions submitted by a state for inclusion in its SIP providing this authority. In addition, on October 3, 2016 (81 FR 68110), EPA proposed to revise provisions in the PSD permitting regulations applicable to GHGs to fully conform with *UARG* and the Amended Judgment, but those revisions have not been finalized.

In Tennessee's March 7, 2017, and April 17, 2017, SIP submittals, Knox County adopts Step 1 of the GHG Tailoring Rule only. It does not adopt the language pertaining to the Step 2, nor Step 3. This is consistent with Tennessee's rules which do not adopt Step 3 provisions and which include an automatic rescission clause that renders the Step 2 language ineffective at the state level due to the vacatur of Step 2 by the D.C. Circuit.

On April 30, 2004, EPA designated areas as unclassifiable/attainment, nonattainment and unclassifiable for the 1997 8-hour ozone NAAQS. In addition, on April 30, 2004 (69 FR 23951), as part of the framework to implement the 1997 8-hour ozone NAAQS, EPA promulgated an implementation rule in two phases (Phase I and II). The Phase I Rule (effective on June 15, 2004), provided the implementation requirements for designating areas under subpart 1 and subpart 2 of the CAA.

[11] See the rule entitled ''Reconsideration of Interpretation of Regulations that Determine Pollutants Covered by Clean Air Act Permitting Programs,'' Final Rule, 75 FR 17004 (April 2, 2010).

[12] CO_2 equivalent (CO_2e) emissions refers to emissions of six recognized GHGs other than CO_2 which are scaled to equivalent CO_2 emissions by relative global warming potential values, then summed with CO_2 to determine a total equivalent emissions value. *See* 40 CFR 51.166(b)(48)(ii) and 52.21(b)(49)(ii).

E. Equipment Replacement Provisions

Under Federal regulations, certain activities are not considered to be a physical change or a change in the method of operation at a source, and thus do not trigger NSR review. One category of such activities is routine maintenance, repair and replacement (RMRR). On October 27, 2003 (68 FR 61248), EPA published a rule titled ''Prevention of Significant Deterioration (PSD) and Non-Attainment New Source Review (NSR): Equipment Replacement Provision of the Routine Maintenance, Repair and Replacement Exclusion'' (hereinafter referred to as the ERP Rule). The ERP Rule provided criteria for determining whether an activity falls within the RMRR exemption. The ERP Rule provided a list of equipment replacement activities that are exempt from NSR permitting requirements, while ensuring that industries maintain safe, reliable, and efficient operations that will have little or no impact on emissions. Under the ERP Rule, a facility undergoing equipment replacement would not be required to undergo NSR review if the facility replaced any component of a process unit with an identical or functionally equivalent component. The rule included several modifications to the NSR rules to explain what would qualify as an identical or functionally equivalent component.

Shortly after the October 27, 2003, rulemaking, several parties filed petitions for review of the ERP Rule in the D.C. Circuit. The D.C. Circuit stayed the effective date of the rule pending resolution of the petitions. A collection of environmental groups, public interest groups, and States, subsequently filed a petition for reconsideration with EPA, requesting that the Agency reconsider certain aspects of the ERP Rule. EPA granted the petition for reconsideration on July 1, 2004 (69 FR 40278).[13] After the reconsideration, EPA published its final response on June 10, 2005 (70 FR 33838), which stated that the Agency would not change any aspects of the ERP. On March 17, 2006, the D.C. Circuit acted on the petitions for review and vacated the ERP Rule.[14] Knox County did not adopt the vacated language from the ERP Rule in Tennessee's March 7, 2017, nor April 17, 2017, SIP submittals.

III. Analysis of State's Submittal

A. Tennessee's March 7, 2017, NNSR and PSD Submittals

Knox County currently has a SIP-approved NSR program for new and modified stationary sources, including preconstruction regulations for PSD found in Section 45.0—''Prevention of Significant Deterioration,'' and for NNSR found in Section 41.0—''Regulations for the Review of New Sources.'' Tennessee's March 7, 2017, SIP revisions made changes to Section 41.0 and Section 45.0 to address changes to the federal NSR regulations, as promulgated by EPA in the 2002 NSR Reform Rules, and subsequent changes in other relevant rulemakings as described in section II, above.

As part of the changes to Section 41 and Section 45, Knox County adopted all the necessary provisions of the federal NNSR rules (found in 40 CFR 51.165) and the federal PSD rules (found in 40 CFR 51.166) to make them consistent with, and in some cases more stringent than, the federal rules. These changes included the adoption of several definitions in the federal PSD and NNSR rules, such as the definition of ''regulated NSR pollutant,'' as well as provisions regarding major NSR applicability procedures, actual-to-projected-actual applicability tests, PALs, and recordkeeping. Slight differences between the Knox County NSR rules and the federal rules are discussed below in Section III.A.1.—3.

Additionally, in the changes included in the March 7, 2017, SIP submittal, Knox County adopted the provisions from the Ozone Phase 2 Rule, as discussed in section II.C of this rulemaking. Consistent with TDEC's rules and the federal NNSR and PSD rules, Knox County adopted the same language regarding the Phase 2 rule found at 40 CFR 51.165 and 40 CFR 51.166. This includes amendments found in the federal NNSR rules in § 51.165(a)(1)(iv)(A)(*1*) through (*3*), (a)(1)(v)(E) and (F), (a)(1)(x), (a)(3)(ii)(C), and (a)(8) and (9), as well as the federal PSD rules in § 51.166(b)(1)(ii), (b)(2)(ii), (b)(23)(i), and (b)(49)(i).

EPA believes that the proposed approval of these changes, including all amendments mentioned in the following sections, will not have a negative impact on air quality in the County.

First, with these proposed changes, the local Knox County regulations will now be consistent with the State's current SIP-approved NSR program, which is slightly more stringent than the federal rules. Tennessee's NSR program already underwent updates concerning the 2002 NSR reform on September 14, 2007 (72 FR 52472).

Second, Knox County currently does not have any nonattainment areas, and all previous nonattainment areas have been redesignated to attainment due to clean data. Table 1, below, shows the most recent air quality monitoring design values (DV), in micrograms per meter cubed (μg/m^3) and parts per billion (ppb), and the most current corresponding NAAQS in each redesignated (*i.e.,* maintenance) area in Knox County.[15] This data shows that air quality in the Knox County area has been improving over the years, and most recently the entire county has been designated as attainment/unclassifiable for both the 2010 1-hour SO_2 and 2015 8-hour Ozone NAAQS as well.

TABLE 1—CURRENT AIR QUALITY STATUS IN KNOX COUNTY FOR MAINTENANCE AREAS

Maintenance areas	NAAQS for which area is maintenance	Status	Current NAAQS	2015–2017 design value	Margin relative to current NAAQS with 2014–2017 DV
Knoxville	2008 ozone (75.0 ppb).	Redesignated	70 ppb	68 ppb	−2 ppb (3%)
Knoxville	1997 annual $PM_{2.5}$ (15.0 μg/m^3).	Redesignated	12.0 μg/m^3	10 μg/m^3	−2 μg/m^3 (17%)
Knoxville	2006 24-hour $PM_{2.5}$ (35 μg/m^3).	Redesignated	35 μg/m^3	34 μg/m^3	−1 μg/m^3 (3%)

[13] The reconsideration granted by EPA opened a new 60-day public comment period, and carried out a new public hearing, only on three issues of the ERP. These three issues included: (1) The basis for determining that the ERP was allowable under the CAA; (2) The basis for selecting the cost threshold (20 percent of the replacement cost of the process unit) that was used in the final rule to determine if a replacement was routine; and (3) A simplified procedure for incorporating a Federal Implementation Plan into State Plans to accommodate changes to the NSR rules.

[14] *New York* v. *EPA,* 443 F.3d 880 (D.C. Cir. 2006).

[15] Air quality design values for all criteria air pollutants are available at: *https://www.epa.gov/air-trends/air-quality-design-values.*

Finally, any projects (new construction or modifications) that would not be subject to major NSR would still be subject to preconstruction review and permitting requirements under Knox County's SIP-approved minor NSR regulations found in Section 25 of the Knox County Air Quality Management Regulations. Under the current SIP-approved minor NSR regulations, no construction or modification shall begin unless a construction permit has been issued by the Director of the Knox County Air Quality Management Division (Director), and no permit shall be issued unless the applicant can demonstrate that the source can be expected to comply with any applicable regulations, including the NAAQS. Furthermore, the Director may require additional and/or more restrictive permit conditions than required by the Knox County regulations, and the minor source construction permit can be invalidated if the source violates any applicable regulation. Therefore, these revisions should not interfere with attainment or maintenance or any other requirement of the CAA.

Although in most cases Knox County adopted the federal rules as enacted at §§ 51.165 and 51.166, certain portions were modified or not adopted. These differences from the federal NNSR and PSD rules include: (1) Adopting a modified definition of ''baseline actual emissions,'' more details of which are included in this Section; (2) not adopting the stayed language in the Fugitive Emission Rule; and (3) not adopting changes from a May 1, 2007, final rule regarding facilities that produce ethanol through natural fermentation.[16] Additional differences from the federal NNSR rules in Section 41 of Knox County's regulations, particularly regarding the implementation of the $PM_{2.5}$ NAAQS, are covered in Tennessee's April 17, 2017, SIP revision and are discussed below in section III.B of this rulemaking.

1. Definition of ''Baseline Actual Emissions''

Regarding the definition of ''baseline actual emissions,'' as promulgated in 40 CFR 51.165(a)(1)(xxxv) and 40 CFR 51.166(b)(47), Knox County adopted into Section 41 and Section 45 of the Knox County Air Quality Management Regulations a definition mostly consistent with the federal definition. However, Knox County excluded a portion of the definition that would allow for different 24-month periods to be chosen for each regulated NSR pollutant when calculating baseline actual emissions for either PSD or NNSR applicability determinations.

Knox County's adoption of ''baseline actual emissions'' in Sections 41 and 45 excludes the last sentence of § 51.165(a)(1)(xxxv)(A)(*3*) and (a)(1)(xxxv)(B)(*4*) of the federal NNSR rules and § 51.166(b)(47)(i)(*c*) and (b)(47)(ii)(*d*) of the federal PSD rules, which states that ''a different consecutive 24-month period can be used for each regulated NSR pollutant.'' Instead, Knox County adopts specific language at Section 41.1.A.5(3) and Section 45.1.A.5.a(3) as follows: ''For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for the emissions units being changed.'' With this difference in the definition, Knox County is not allowing for different baseline periods to be chosen for a single project that involves multiple units, which removes an additional flexibility built into the federal rules and makes the local rules slightly more stringent than the federal rules. Knox County's definition is consistent with TDEC's SIP-approved definition of ''baseline actual emissions'', which also does not allow for different pollutant-specific 24-month baseline periods. For the reasons discussed above, EPA is proposing to approve the changes to NNSR and PSD rules into the Knox County portion of the Tennessee SIP.

EPA has determined that this difference in determining major NSR applicability with the definition of ''baseline actual emissions'' is consistent with Tennessee's SIP-approved rules and is more stringent than the current federal rules. Therefore, EPA is proposing to approve the changes to the definition, including this difference from the federal rules, into the Knox County portion of the Tennessee SIP.

2. Fugitive Emissions Rule

As mentioned in Section II.A of this rulemaking, a portion of the Fugitive Emissions Rule was stayed indefinitely on March 30, 2011. For this reason, Knox County did not adopt into Section 41 or Section 45 of the Knox County Air Quality Management Regulations the language found in the federal NNSR rules at 40 CFR 51.165(a)(1)(v)(G) and (a)(1)(vi)(C)(*3*), as well as in the federal PSD rules at 40 CFR 51.166(b)(2)(v) and (b)(3)(iii)(*d*), which are part of the stayed Fugitive Emissions Rule provisions that can still be found in the CFR.

Given that the omitted language has been stayed indefinitely, EPA is proposing to approve the changes into the Knox County portion of the Tennessee SIP as consistent with federal requirements, and the Tennessee SIP.

3. GHG Tailoring Rule

As mentioned in Section II.D of this proposed rulemaking, Knox County adopted the provisions of the GHG Tailoring Rule, Step 1, but has not adopted Step 2 or Step 3. Consistent with Step 1 of the GHG Tailoring Rule, Knox County has adopted provisions in its PSD rules, found at Section 45 of the Knox County Air Quality Management Regulations, that require sources of GHG emissions to regulate GHGs only if they were subject to PSD ''anyway'' due to their emissions of pollutants other than GHGs. These sources are referred to as ''anyway sources.''

In Step 2 of the GHG Tailoring Rule, these PSD requirements for GHGs applied to some sources that were known as ''GHG-only sources.'' Since the D.C. Circuit vacated the GHG Step 2 Rule on April 10, 2015, EPA has subsequently removed the provisions from this portion of the GHG Tailoring Rule from the Federal PSD rules. With respect to Step 2, Knox County's rules are consistent with Tennessee's rules. Although Tennessee currently has language related to Step 2 in its SIP, it also included an automatic rescission clause that renders any language pursuant to Step 2 ineffective at the state level due to the vacatur of Step 2 by the D.C. Circuit.

Finally, Knox County did not adopt the GHG Step 3 Rule, which, among other things, established PALs for GHG emissions on a CO_2e basis. The GHG PALs regulations of the GHG Step 3 Rule do not add new requirements for sources or modifications. Rather, the PALs provisions provide increased flexibility to sources that wish to address their GHG emissions in a PAL by using CO_2e instead of a mass basis. Given that these provisions are not a requirement, but rather an optional way to address GHG PALs, EPA believes that not adopting the GHG Step 3 provisions into the Knox County portion of the Tennessee SIP is acceptable and will not interfere with Knox County's ability to meet all applicable GHG requirements. In addition, Knox County is being consistent with Tennessee's rules, which do not include the GHG Step 3 provisions.

[16] The May 1, 2007, final rule finalized changes to the definition of ''chemical process plants'' as it applies to the federal PSD, NNSR and Title V programs, including applicability thresholds for PSD and the treatment of fugitive emissions in determining applicability for major NSR and title V.

For the reasons discussed above, EPA is proposing to approve the Step 1 provisions of the GHG Tailoring Rule into the Knox County portion of the Tennessee SIP, as presented in the March 7, 2017 SIP submittal.

B. Tennessee's April 17, 2017, NNSR Changes

The April 17, 2017, SIP revision included two changes to the Knox County portion of the Tennessee SIP, one making additional changes to Section 41, and another updating Section 25.0 entitled ''Permits'' (hereinafter referred to as Section 25). The revisions to Section 41 include additional changes which are meant to be incorporated with the March 7, 2017, revisions of this section.

Although the March 7, 2017, SIP revision updates Knox County's NNSR regulation found in Section 41, it does not include some provisions that were part of the NSR $PM_{2.5}$ Rule, or corrections related to the $PM_{2.5}$ subpart 4 litigation, as described in section II.B, above.[17] The April 17, 2017, SIP revision adds the following elements: 1) Under Section 41.1–A.36.a, Knox County adds emissions thresholds (in tons per year) for $PM_{2.5}$ and its precursors, for sources to be considered a ''major stationary source'' in any area designated as a serious $PM_{2.5}$ nonattainment area; 2) Under Section 41.1–A.56.a(7), Knox County adds emissions increase thresholds under $PM_{2.5}$, for volatile organic compounds (VOC) and Ammonia (presumptively regulating both as precursors to $PM_{2.5}$), for an emissions increase to be considered ''significant;'' and 3) Under Section 41.3–A, Knox County adds a sentence clarifying the applicability of NSR in nonattainment areas and adds references to the new definitions of Section 41.1–A.52.

As part of the $PM_{2.5}$ Subpart 4 litigation mentioned in Section II.B, above, EPA published its June 2, 2014, final rule re-promulgating the NSR $PM_{2.5}$ implementation rule and set a deadline of December 31, 2014, for states to make any remaining required attainment-related and NNSR SIP submissions, pursuant to and considering the application of subpart 4. At the time of the June 2, 2014, final rulemaking, the Knoxville Area was designated nonattainment for both the 1997 Annual $PM_{2.5}$ NAAQS and 2006 24-hour $PM_{2.5}$ NAAQS, under subpart 1.

Knox County did not meet the December 31, 2014, deadline to submit its attainment and NNSR SIP submissions pursuant to subpart 4. However, on December 20, 2016, Knox County, through Tennessee, submitted maintenance plans and redesignation requests to EPA regarding both standards, pursuant to subpart 1 and subpart 4 of Part D of the CAA. Included in the request were reasonably available control measure (RACM) determinations as well as motor vehicle emission budgets for NO_X and $PM_{2.5}$ for the years 2014 and 2008. Since then, the area has been redesignated to attainment for both the 1997 Annual $PM_{2.5}$ NAAQS and 2006 24-hour $PM_{2.5}$ NAAQS. Specifically, the Knoxville Area was redesignated to attainment on August 28, 2017, for the 2006 24-hour $PM_{2.5}$ NAAQS, and on August 29, 2017, for the 1997 Annual $PM_{2.5}$ NAAQS.

Additionally, as mentioned above, the April 17, 2017, SIP revision adds emissions thresholds (in tons per year) for $PM_{2.5}$ and its precursors for sources to be considered a ''major stationary source'' in any area designated as a serious $PM_{2.5}$ nonattainment area, as well as emissions increase thresholds under $PM_{2.5}$, for VOC and Ammonia (presumptively regulating both as precursors to $PM_{2.5}$), for an emissions increase to be considered ''significant.'' Although Knox County currently has no NAAs for $PM_{2.5}$, and has no major stationary sources of ammonia, it still included thresholds for regulating ammonia as a precursor to $PM_{2.5}$ and provided a technical justification for what it considers ''significant'' in terms of emissions of ammonia.

As explained in the technical justification, which can be found in the docket for this proposed action, Knox County opted to set the emissions threshold at that of the other $PM_{2.5}$ precursors (NO_X, SO_2, and VOC) set in federal requirements, and therefore set it at 40 tons per year. According to Knox County, this is a conservative approach since the area currently has no major stationary sources of ammonia. EPA agrees with this determination and believes that the 40 ton per year threshold will be sufficient to determine a significant emissions increase. EPA also agrees that this is a conservative approach because, based on the requirements of 40 CFR 51.165(a)(1)(x)(F), Knox County was not required to establish a definition of ''significant'' for ammonia given that they currently have no nonattainment areas for $PM_{2.5}$ and have no major stationary sources of ammonia in the county. As previously mentioned, Knox County does not have any existing major stationary sources of ammonia, and does not currently have any $PM_{2.5}$ NAAs. Nevertheless, if Knox County were to begin operation of a major stationary source of ammonia, they would have a reasonable threshold for determining major modifications of ammonia for any future $PM_{2.5}$ NAAs.

These changes to Knox County's Section 41, together with the changes mentioned above in section III.A., make Knox County's NNSR regulations consistent with the federal requirements (and in some cases more stringent, as is the case of the definition of ''baseline actual emissions''), and also consistent with TDEC's NNSR rules. With the exception of the vacated or stayed portions, as mentioned in section II, Knox County has adopted all other necessary provisions of the federal NNSR rules, including those promulgated by the NSR reform rules and the NSR $PM_{2.5}$ Rule. Therefore, EPA is proposing to approve the aforementioned changes to the Knox County portion of the Tennessee SIP.

C. Tennessee's April 17, 2017, Minor Source Permit Changes

As mentioned above, on April 17, 2017, Tennessee submitted, on behalf of Knox County, two additional SIP revisions to update Knox County's Air Quality Management Regulations, Section 41.0 and Section 25.0. As part of the revisions to Section 25, Knox County included changes to Sections 25.1—''Construction Permits,'' 25.3—''Operating Permits,'' and 25.9—''Minor Source and Synthetic Minor Source Emission Fees'' (hereinafter referred to as Section 25.1, Section 25.3 and Section 25.9, respectively).

In Section 25.1, Knox County added two paragraphs, 25.1.F and 25.1.G, in order to provide more detail on the necessity of a construction permit, and revised paragraph 25.1.C in order to clarify the duration of validity and expiration of a construction permit if construction is not commenced within a certain timeframe or is interrupted for a certain timeframe. Paragraph 25.1.F establishes that construction of a new source, or modification of an existing source, must be in accordance with the construction permit and all applicable Knox County Air Quality Management Regulations. Paragraph 25.1.G establishes that a construction permit may be issued to a source that has already been constructed in order to assure that all regulatory requirements are met and asserts that no operating permit will be issued until the

[17] Knox County did not adopt the vacated elements of the $PM_{2.5}$ PSD-Increment-SILs-SMC Rule. However, Knox County adopted the remaining elements of the NSR $PM_{2.5}$ Rule, while incorporating the requirements pursuant to Subpart 4 of Part D of the CAA, as prescribed following the $PM_{2.5}$ Subpart 4 litigation, and the correction to requirements promulgated in the $PM_{2.5}$ Condensables Correction Rule. For more details, see Section II.B of this rulemaking.

construction permit requirements are met.

In the current SIP-approved version of paragraph 25.1.C, Knox County sets a duration of 1 year for a construction permit, which has to be renewed annually. With the changes in the April 17, 2017, SIP revision, Knox County establishes that a construction permit will be invalidated if construction is not commenced within 18 months, if it is discontinued for more than 18 months, or if the construction is not completed within a reasonable timeframe. Nevertheless, the revisions establish that a permit may be extended by the Director, if such an extension is shown to be justified. The revision to the applicable timeframe of minor source construction permits is consistent with those required for major NSR under the current SIP-approved version of both the Tennessee SIP and the Knox County portion of the Tennessee SIP.

In section 25.3, Knox County revised paragraphs 25.3.A and 25.3.C, providing timeframes for applying and issuing operating permits, and added two new paragraphs, 25.3.M and 25.3.N, which include additional requirements and clarifications for operating permits and stack sampling reports. Under the current SIP-approved version of paragraph 25.3.A, Knox County simply establishes the requirement that a person planning to operate a new or modified source, must ''apply for and receive'' an operating permit. With the changes in the April 17, 2017, SIP revision, Knox County included an additional requirement which, provided that paragraph 25.3.C is complied with, requires the operating permit to be obtained within 90 days after the initial start-up of a source or modification. Additionally, if stack sampling is required for the application, this time period may be extended to 60 days after the stack sampling report is required to be submitted.

Under current SIP-approved version of paragraph 25.3.C, Knox County establishes a timeframe for ''applying'' for an operating permit only when renewing an existing permit. The paragraph only sets a required timeframe of 30 days prior to the expiration of an existing operating permit. But with the changes in the April 17, 2017, SIP revision, Knox County included two additional conditions: (1) When applying for a new operating permit, the applicant must submit the application no later than 14 days after initial start-up; and (2) When stack sampling is required as part of a construction permit, the time period for applying for the operating permit is extended to the time specified in the construction permit as the date that the sampling reports are required to be submitted.

In the two paragraphs that Knox County added to this section, 25.3.M and 25.3.N, the local agency has added additional clarification on operating permits. In Paragraph 25.3.M, Knox County included a requirement that no source can operate without an operating permit, but reiterates that a new source or modification may operate with a construction permit for a limited period of time, in order to provide the source an opportunity to apply for and obtain a new operating permit. The conditions and time limits for operating with a construction permit are established in paragraph 25.3.A. In paragraph 25.3.N, Knox County clarifies that any stack sampling reports that were required as part of a construction permit, must be part of the operating permit application for that source, and that any stack sampling required as part of an existing operating permit, must be part of the renewal application of the operating permit. These changes to Sections 25.1 and 25.3 are meant to establish reasonable timeframes for the validity of construction permits and to provide clarification for sources applying for and obtaining operating permits.

EPA is proposing to approve the aforementioned changes into the Knox County portion of the Tennessee SIP. The federal requirements for state minor NSR programs, outlined in 40 CFR 51.160 through 51.164, are considerably less prescriptive than those for major sources to facilitate the development of programs that best reflect a state's chosen approach to achieving attainment and maintenance of the NAAQS. As such, states may customize their minor NSR programs as long as they meet the minimum requirements, as Knox County is here.

Finally, in Section 25.9, Knox County removed the language in paragraphs 25.9.F.8 through 25.9.F.10, and substitutes it with ''Reserved.'' The removed language simply established several permit fees that expired on December 31, 2016, which a source, operator, or owner had to pay to the Department of Air Quality Management of Knox County. Given that these permit fees have since expired, EPA agrees with Knox County's decision to remove these paragraphs. Moreover, permit fees need not be included explicitly in the SIP. EPA is therefore proposing to approve the removal of this language from the Knox County portion of the Tennessee SIP.

F. Incorporation by Reference

In this document, 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 Knox County's Air Quality Management Regulations, Section 25.0—''Permits,'' state effective January 18, 2017, Section 41.0—''Regulations for the Review of New Sources,'' state effective January 18, 2017, and Section 45.0—''Prevention of Significant Deterioration,'' state effective July 20, 2016. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

G. Proposed Action

EPA is proposing to approve the aforementioned changes to the Knox County portion of the Tennessee SIP. EPA is proposing to approve the changes presented in the March 7, 2017, and April 17, 2017, SIP submittals that make changes to Knox County's Air Quality Management Regulations, Section 41.0 entitled ''Regulations for the Review of New Sources,'' Section 45.0 entitled ''Prevention of Significant Deterioration,'' and Section 25.0 entitled ''Permits.'' These SIP revisions are meant to address several changes to the federal NSR regulations, as promulgated by EPA on December 31, 2002, and reconsidered with minor changes on November 7, 2003, which are commonly referred to as the ''2002 NSR Reform Rules,'' as well as subsequent changes to the federal NSR regulations as described in Section II of this proposed rulemaking. Finally, these revisions are meant to make Knox County's NSR regulations consistent with those of the State of Tennessee.

H. Statutory and Executive Order Reviews

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

• Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

• Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;

• Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

• Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

• Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Lead, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides, Volatile organic compounds.

Dated: June 8, 2018.

Onis ''Trey'' Glenn, III,

Regional Administrator, Region 4.

[FR Doc. 2018–13144 Filed 6–19–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2017–0050; FRL–9979–66—Region 4]

Air Plan Approval; TN: Revisions to New Source Review

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve changes to the Tennessee State Implementation Plan (SIP) to revise New Source Review (NSR) regulations. Specifically, EPA is proposing to approve the portions of a SIP revision submitted by the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC), on May 28, 2009, that modify the definitions of ''baseline actual emissions.'' This action is being proposed pursuant to the Clean Air Act (CAA or Act).

DATES: Comments must be received on or before July 20, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2017–0050, at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: D. Brad Akers, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Mr. Akers can be reached via telephone at (404) 562–9089 or via electronic mail at *akers.brad@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What action is EPA proposing?

On May 28, 2009, TDEC submitted a SIP revision to EPA for approval that contains changes to Tennessee's SIP-approved major NSR permitting regulations at Tennessee Air Pollution Control Regulations (TAPCR) 1200–3–9–.01—''Construction Permits,'' including the adoption of federal requirements and the modification of certain other provisions.[1] In this action, EPA is proposing to approve the portions of this SIP submission that make changes to the definitions of ''baseline actual emissions'' in Tennessee's SIP-approved Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) regulations at TAPCR 1200–3–9–.01(4)—''Prevention of Significant Air Quality Deterioration'' and 1200–3–9–.01(5)(b)—''Nonattainment Areas,'' respectively.[2] Tennessee's NSR regulations at TAPCR 1200–3–9–-.01 were last revised in the SIP on July 25, 2013 (78 FR 44886).

[1] The major NSR program, established in parts C and D of title I of the CAA and EPA's implementing regulations at 40 CFR 51.165, 40 CFR 51.166, and 40 CFR 52.21, is a preconstruction review and permitting program applicable to new major stationary sources of regulated NSR pollutants and major modifications at existing major stationary sources. A major modification is defined as any physical change in or change in the method of operation of a major stationary source that would result in a significant emissions increase of a regulated NSR pollutant and a significant net emissions increase of that pollutant from the major stationary source. *See* 40 CFR 51.165(a)(1), 51.166(b)(2)(i), and 52.21(b)(2)(i).

[2] EPA's regulations governing the implementation of NSR permitting programs are contained in 40 CFR 51.160–.166, 52.21, 52.24, and part 51, Appendix S. The CAA NSR program is composed of three separate programs: PSD, NNSR, and Minor NSR. PSD is established in part C of title I of the CAA and applies in areas that meet the national ambient air quality standards (NAAQS)—''attainment areas''—as well as areas where there is insufficient information to determine if the area meets the NAAQS—''unclassifiable areas.'' The NNSR program is established in part D of title I of the CAA and applies in areas that are not in attainment of the NAAQS—''nonattainment areas.'' The Minor NSR program addresses construction or modification activities that do not qualify as ''major'' and applies regardless of the designation of the area in which a source is located. Together, these programs are referred to as the NSR programs.

II. Background

On December 31, 2002, EPA published revisions to the federal PSD and NNSR regulations. *See* 67 FR 80186 (hereinafter referred to as the 2002 NSR Rule). These revisions included several major changes to the major NSR program, including the addition of an actual-to-projected-actual emissions test and the use of ''baseline actual emissions'' for determining major NSR applicability for existing emissions units. For projects involving multiple existing emissions units, the definitions require the use of one consecutive 24-month period to determine baseline emissions for the emissions units being changed and allows for the use of different consecutive 24-month baseline periods for each regulated pollutant. *See* 40 CFR 51.165(a)(1)(xxxv), 51.166(b)(47), and 52.21(b)(48). EPA included this language in the definitions because NSR is, and has always been treated as, a pollutant-specific program.[3]

On September 14, 2007, EPA approved SIP submittals from TDEC incorporating revisions to Tennessee's major NSR regulations in response to the 2002 NSR Rule (as modified in subsequent EPA rulemakings).[4] In defining ''baseline actual emissions'' in its major NSR regulations, Tennessee elected not to adopt the provision in the federal definitions that allows the use of different consecutive 24-month baseline periods for each regulated pollutant for projects involving multiple existing emission units. Therefore, Tennessee's SIP-approved regulations only allow the same 24-month period to be chosen for all regulated NSR pollutants when calculating baseline actual emissions for major NSR applicability determinations for projects involving multiple emissions units. Compared to the federal definitions, Tennessee's SIP-approved regulations offer less flexibility in determining baseline actual emissions for these projects.

On May 28, 2009, Tennessee submitted a SIP revision that would, among other things, change the definitions of ''baseline actual emissions'' in its SIP-approved major NSR regulations to allow for the use of different 24-month periods for each regulated NSR pollutant for projects involving multiple emissions units, but only under certain limiting circumstances not included in the federal definitions. The text of Tennessee's proposed changes to its SIP-approved definitions of ''baseline actual emissions'' is provided in section III along with EPA's assessment under CAA section 110(l). Section 110(l) prohibits EPA from approving a SIP revision that would interfere with any applicable requirement concerning attainment and reasonable further progress (RFP) (as defined in section 171), or any other applicable requirement of the CAA.

III. Analysis of Tennessee's Submittal

Tennessee's May 28, 2009, submittal revises the SIP-approved definitions of ''baseline actual emissions'' at TAPCR 1200–3–9–.01(4)(b)(45)(i)(III) and 1200–3–9–.01(4)(b)(45)(ii)(IV) for PSD, and 1200–3–9–.01(5)(b)(1)(xlvii)(I)III and 1200–3–9–.01(5)(b)(1)(xlvii)(II)IV for NNSR. The relevant portion of the SIP-approved definitions read as follows:

> ''For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for the emissions units being changed.''

The proposed language reads as follows (strikethrough indicates language removed and underlined text indicates language added):

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[3] See ''Technical Support Document for the Prevention of Significant Deterioration (PSD) and Nonattainment Area New Source Review (NSR): Reconsideration,'' pp. 14–15, available at *https://www.epa.gov/sites/production/files/2015-12/documents/petitionresponses10-30-03.pdf,* and included in the docket for this proposed action.

[4] EPA published rules on November 7, 2003 (68 FR 63021) and June 13, 2007 (72 FR 32526), modifying the 2002 NSR Rule. Sometimes, these three rules are collectively referred to as ''NSR reform.'' For more information on NSR reform, see *https://www.epa.gov/nsr/nsr-regulatory-actions#nsrreform.*

"For a regulated NSR pollutant, when a project involves multiple emissions units, ~~only~~ one consecutive 24-month period must be used to determine the baseline actual emissions for the emissions units being changed. However, the Technical Secretary is authorized to allow the use of multiple, pollutant specific consecutive 24-month baselines in determining the magnitude of a significant net emissions increase[5] and the applicability of major new source review requirements if all of the following conditions are met:

I. Construction of a new source[6] or modification would become subject to major new source review if a single 2-year baseline is used for all pollutants.

II. One or more pollutants were emitted during such 2-year period in amounts that were less than otherwise permitted for reasons other than operations at a lower production or utilization rate. Qualifying examples include, but are not limited to, the voluntary use of:

A. a cleaner fuel than otherwise permitted in a fuel burning operation (e.g., natural gas instead of coal in a multi-fuel boiler),

[5] The "baseline actual emissions" for a proposed project are considered when determining whether a "significant emissions increase" will occur. If a "significant emissions increase" is shown as a result of the project, then the "net emissions increase" is calculated, considering contemporaneous and creditable increases and decreases from unrelated projects to determine whether the project will result in a "significant net emissions increase." Thus, the baseline period referenced here is most relevant to the determination of a "significant emissions increase."

[6] Although the proposed revision refers to modifications and new sources, it does not affect new sources or new units because Tennessee's SIP-approved rules require new sources/units to use the actual-to-potential test – not the actual-to-projected-actual test – and the corresponding baseline actual emissions for new sources/units are set to zero. This is consistent with federal rules. The proposed revision only applies to projects that involve multiple existing emissions units.

B. a coating with a lower VOC content than otherwise permitted in a coating operation,

C. a voluntary improvement in the control efficiency of an air pollution control device or the voluntary addition of a control device where one did not exist before, and

D. alternate production methods, raw materials, or products that result in lower emissions of one or more pollutants.

III. Use of alternate 2-year baselines for the pollutants described in 2. above would result in the construction of the new source[7] or modification not being subject to major new source review.

IV. The use of the multiple baselines is not prohibited by any applicable provision of the USEPA's new source review regulations.

The burden for demonstrating that these conditions are met is upon the permit applicant. The demonstration and the Technical Secretary's approval will be made a part of the permit record."

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Accordingly, a project involving multiple emissions units that would be subject to major NSR permitting under the current SIP-approved regulations would not be subject to these requirements under the revised definitions if it met the limiting criteria identified above for the use of pollutant-specific baseline periods. As noted above, EPA's major NSR rules do not contain such limiting criteria. Under the federal major NSR rules, a state must adopt the federal definitions into its SIP unless the state's definitions are more stringent than, or at least as stringent as, the federal definitions. *See* 40 CFR 51.165(a)(1) and 51.166(b). EPA proposes to find that Tennessee's revisions to its SIP-approved definitions of ''baseline actual emissions'' are more stringent than the federal definitions given the limiting criteria and are therefore allowable changes to the State's SIP-approved NSR program pursuant to 40 CFR 51.165(a)(1) and 51.166(b).

As noted above, section 110(l) of the CAA prohibits EPA from approving a SIP revision that would interfere with any applicable requirement concerning attainment and RFP (as defined in section 171), or any other applicable requirement of the CAA. The State is allowed to relax its SIP regulations as long as section 110(l) is met. EPA proposes to determine that the proposed changes to the Tennessee SIP, as described above, would not violate section 110(l) for the reasons discussed below.

First, Tennessee's proposed changes will maintain the State program at a more stringent level than the federal NSR requirements. Unlike the federal rules, Tennessee's revised rules only allow for the use of different 2-year baseline periods under the limiting condition that ''one or more pollutants were emitted during such 2-year period in amounts that were less than otherwise permitted for reasons other than operations at a lower production or utilization rate.'' The revised rules then provide qualifying examples that would satisfy this condition, such as the voluntary use of cleaner fuels, lower volatile organic compounds coatings, improvements in control efficiency, addition of a control device, and alternate production methods, raw materials, or products that result in lower emissions of one or more pollutants. The permittee bears the burden of demonstrating that the limiting conditions of the regulation have been met, and if the demonstration is approved by the TDEC Technical Secretary, the demonstration and the Technical Secretary's approval must be included in the permit record. Accordingly, Tennessee's revised rules encourage sources to reduce emissions in order to qualify for the use of multiple, pollutant-specific baselines.

EPA also believes that the impact, if any, on air quality as a result of the proposed change would be small given

the nature of the actual-to-projected-actual test and the limited applicability of the multiple baseline provision for the following reasons. First, the definition of ''projected actual emissions'' provides that the owner or operator ''[s]hall exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions under part (b)45. of this paragraph and that are also unrelated to the particular project, including any increased utilization due to product demand growth.'' TAPCR 1200–03–09–.01(4)(b)38.(i)(III). Under this provision, once the qualifying portion of any projected emissions increase is excluded, the result is the increase from the project. Accordingly, in most cases, the baseline actual emissions rate would not change the calculated emissions increase from an existing emissions unit. Second, the provision does not apply to new sources or new units at existing sources.[8] Third, as it relates to existing emissions units, the change only applies to projects that involve multiple emissions units and only has a potential air quality impact on those projects that might otherwise have triggered PSD or NNSR applicability for more than one pollutant. Finally, the provision is further restricted to permittees who can demonstrate, to the satisfaction of the Technical Secretary, that emissions during the single baseline period were less than otherwise permitted for reasons other than operations at a lower production or utilization rate. In addition to narrowing the number of sources that qualify for the use of different baseline periods, this restriction also encourages the use of voluntary emissions reduction measures.

Moreover, the State is currently attaining all of the NAAQS except for the 2010 1-hour sulfur dioxide (SO_2) NAAQS in a portion of Sullivan County.[9] Previous nonattainment areas for other NAAQS have all been redesignated to attainment, as shown in Table 1. Air quality in Tennessee has been improving in recent years, and Table 1 includes the available margin between current air quality monitoring design values, in micrograms per cubic meter (μg/m^3) and parts per billion (ppb), and the most current corresponding NAAQS in each redesignated (maintenance) area.[10] Additionally, none of the monitors in Tennessee outside of the Sullivan County SO_2 nonattainment area show violating air quality data for any NAAQS.

TABLE 1—CURRENT AIR QUALITY STATUS IN TENNESSEE FOR MAINTENANCE AREAS

Maintenance areas	NAAQS for which area is maintenance	Status	Current NAAQS	2015–2017 DV	Margin relative to current NAAQS with 2014–2016 DV
Chattanooga	1997 annual $PM_{2.5}$ (15.0 μg/m^3)	Redesignated	12.0 μg/m^3	9.0 μg/m^3	−3 μg/m^3 (25.0%)
Knoxville	2008 ozone (75.0 ppb)	Redesignated	70 ppb	68* ppb	−2 ppb (2.9%)
Knoxville	1997 annual $PM_{2.5}$ (15.0 μg/m^3)	Redesignated	12.0 μg/m^3	10.0 μg/m^3	−2 μg/m^3 (16.7%)
Knoxville	2006 24-hour $PM_{2.5}$ (35 μg/m^3)	Redesignated	35 μg/m^3	34 μg/m^3	−1 μg/m^3 (2.9%)
Memphis	2008 ozone (75 ppb)	Redesignated	70 ppb	67 ppb	−3 ppb (4.3%)
Sullivan County	2008 lead (0.15 μg/m^3)	Redesignated	0.15 μg/m^3	0.01 μg/m^3	−0.14 μg/m^3 (93.3%)

* The TDEC relocated the Loudon Pope ozone site (AQS # 47–105–0108) to Loudon Elementary School (formerly Loudon Middle School, AQS # 47–105–0109) between the 2016 and 2017 ozone seasons, in accordance with the monitoring network plan. This is the combined DV between sites 47–105–0108 and 47–105–0109.

Regarding the Sullivan County SO_2 nonattainment area, the proposed change would not impact SO_2 concentrations in this area because it is in nonattainment for only one pollutant. Tennessee's revised rules only have a potential air quality impact in a nonattainment area with a multiple-unit project that could avoid NNSR through the use of different baseline periods for different pollutants. Therefore, in a nonattainment area such as Sullivan County where only one pollutant is subject to NNSR review, the revised rule has no impact.

Additionally, any projects that would not qualify as major modifications under the revised definitions would still be subject to the preconstruction review and permitting requirements of Tennessee's SIP-approved minor NSR regulations at TAPCR 1200–3–9–.01(1). Under the SIP, no construction permit shall be issued if approval to construct or modify the air contaminant source would violate ambient air quality standards, would cause a violation of any requirement under TAPCR 1200–3, would result in a violation of applicable portions of the control strategy, or would interfere with attainment or maintenance of NAAQS in a neighboring state. *See* TAPCR 1200–3–9–.01(1)(e).[11] Therefore, the revision should not interfere with attainment or maintenance or any other requirement of the CAA because any project that would qualify for the use of different baseline periods would still be subject to the preconstruction review and permitting requirements of the SIP-approved minor NSR program.

IV. Incorporation by Reference

In this document, 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 portions of TAPCR 1200–3–9–.01 ''Construction Permits,'' effective April 24, 2013, that specifically revise the definitions of ''baseline actual

[8] *See* footnote 6.

[9] On May 12, 2017, TDEC submitted a plan to EPA to attain the 2010 1-hour SO_2 NAAQS in Sullivan County.

[10] Air quality design values for all criteria air pollutants are available at: *https://www.epa.gov/air-trends/air-quality-design-values.*

[11] Tennessee's SIP-approved minor NSR rules require a source impact analysis with modeling. *See* TAPCR 1200–3–9–.01(1)(f). These rules also require BACT for minor NSR sources in nonattainment areas. *See* TAPCR 1200–3–9–.01(5)(b)2.(ii).

emissions'' in Tennessee's SIP-approved PSD and NNSR regulations as discussed above.[12] EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Proposed Action

EPA is proposing to approve the portions of Tennessee's May 28, 2009, SIP revision that change the definitions of ''baseline actual emissions'' in TAPCR 1200–3–9–.01,—''Construction Permits,'' as discussed above.

VI. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Lead, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides, Volatile organic compounds.

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

Dated: June 8, 2018.

Onis ''Trey'' Glenn, III,

Regional Administrator, Region 4.

[FR Doc. 2018–13142 Filed 6–19–18; 8:45 am]

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[12] The state effective date of the rule changes to the definitions of ''baseline actual emissions'' in Tennessee's May 28, 2009, SIP revision is May 10, 2009. However, these changes to Tennessee's rule are captured and superseded by the version of TAPCR 1200–3–9–.01 that was state effective on April 24, 2013. On July 25, 2013 (78 FR 44889), EPA approved portions of the April 24, 2013 version of TAPCR 1200–3–9–.01 into the SIP and modified the state effective date at 40 CFR 52.2220(c) accordingly.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2018–0187; FRL–9979–62—Region 4]

Air Plan Approval; Tennessee; Regional Haze Plan and Prong 4 (Visibility) for the 2012 $PM_{2.5}$, 2010 NO_2, and 2010 SO_2 NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to take the following four actions regarding the Tennessee State Implementation Plan (SIP): approve Tennessee's November 22, 2017, SIP submittal seeking to change reliance from the Clean Air Interstate Rule (CAIR) to Cross-State Air Pollution Rule (CSAPR) for certain regional haze requirements; convert EPA's limited approval/limited disapproval of Tennessee's regional haze plan to a full approval; remove EPA's Federal Implementation Plan (FIP) for Tennessee which replaced reliance on CAIR with reliance on CSAPR to address the deficiencies identified in the limited disapproval of Tennessee's regional haze plan; and convert the conditional approvals of the visibility prong of Tennessee's infrastructure SIP submittals for the 2012 Fine Particulate Matter ($PM_{2.5}$), 2010 Nitrogen Dioxide (NO_2), and 2010 Sulfur Dioxide (SO_2) National Ambient Air Quality Standards (NAAQS) to full approvals.

DATES: Comments must be received on or before July 20, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No EPA–R04–OAR–2018–0187 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Michele Notarianni, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Ms. Notarianni can be reached by telephone at (404) 562–9031 or via electronic mail at *notarianni.michele@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. Regional Haze Plans and Their Relationship With CAIR and CSAPR

Section 169A(b)(2)(A) of the Clean Air Act (CAA or Act) requires states to submit regional haze plans that contain such measures as may be necessary to make reasonable progress towards the natural visibility goal, including a requirement that certain categories of existing major stationary sources built between 1962 and 1977 procure, install, and operate Best Available Retrofit Technology (BART) as determined by the state. Under the Regional Haze Rule (RHR), states are directed to conduct BART determinations for such ''BART-eligible'' sources that may be anticipated to cause or contribute to any visibility impairment in a Class I area. Rather than requiring source-specific BART controls, states also have the flexibility to adopt an emissions trading program or other alternative program as long as the alternative provides greater reasonable progress towards improving visibility than BART. *See* 40 CFR 51.308(e)(2). EPA provided states with this flexibility in the RHR, adopted in 1999, and further refined the criteria for assessing whether an alternative program provides for greater reasonable progress in two subsequent rulemakings. *See* 64 FR 35714 (July 1, 1999); 70 FR 39104 (July 6, 2005); 71 FR 60612 (October 13, 2006).

EPA demonstrated that CAIR would achieve greater reasonable progress than BART in revisions to the regional haze program made in 2005.[1] *See* 70 FR 39104 (July 6, 2005). In those revisions, EPA amended its regulations to provide that states participating in the CAIR cap-and-trade programs pursuant to an EPA-approved CAIR SIP or states that remain subject to a CAIR FIP need not require affected BART-eligible electric generating units (EGUs) to install, operate, and maintain BART for emissions of SO_2 and nitrogen oxides (NO_X). As a result of EPA's determination that CAIR was ''better-than-BART,'' a number of states in the CAIR region, including Tennessee, relied on the CAIR cap-and-trade programs as an alternative to BART for EGU emissions of SO_2 and NO_X in designing their regional haze plans. These states also relied on CAIR as an element of a long-term strategy (LTS) for achieving their reasonable progress goals (RPGs) for their regional haze programs. However, in 2008, the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) remanded CAIR to EPA without vacatur to preserve the environmental benefits provided by CAIR. *North Carolina* v. *EPA,* 550 F.3d 1176, 1178 (D.C. Cir. 2008). On August 8, 2011 (76 FR 48208), acting on the D.C. Circuit's remand, EPA promulgated CSAPR to replace CAIR and issued FIPs to implement the rule in CSAPR-subject states.[2] Implementation of CSAPR was scheduled to begin on January 1, 2012, when CSAPR would have superseded the CAIR program.

Due to the D.C. Circuit's 2008 ruling that CAIR was ''fatally flawed'' and its resulting status as a temporary measure following that ruling, EPA could not fully approve regional haze plans to the extent that they relied on CAIR to satisfy the BART requirement and the requirement for a LTS sufficient to achieve the state-adopted RPGs. On these grounds, on June 7, 2012 (77 FR 33642), EPA promulgated a FIP to replace reliance on CAIR with reliance on CSAPR to address the deficiencies in Tennessee's regional haze plan. EPA finalized a limited approval and a limited disapproval of Tennessee's regional haze plan on April 24, 2012 (77 FR 24392). EPA's limited approval finalized the determination that Tennessee's regional haze plan met the remaining applicable regional haze requirements set forth in the CAA and the RHR.[3] EPA's limited disapproval was issued due to the deficiencies in Tennessee's regional haze plan created by the plan's reliance on CAIR for certain regional haze requirements.

In the June 7, 2012, action, EPA also amended the RHR to provide that participation by a state's EGUs in a CSAPR trading program for a given pollutant—either a CSAPR federal trading program implemented through a CSAPR FIP or an integrated CSAPR state trading program implemented through an approved CSAPR SIP revision—qualifies as a BART alternative for those EGUs for that pollutant. *See* 40 CFR 51.308(e)(4). Since EPA promulgated this amendment, numerous states covered by CSAPR have come to rely on the provision through either SIPs or FIPs.[4]

Numerous parties filed petitions for review of CSAPR in the D.C. Circuit, and on August 21, 2012, the court issued its ruling, vacating and remanding CSAPR to EPA and ordering continued implementation of CAIR. *EME Homer City Generation, L.P.* v. *EPA,* 696 F.3d 7, 38 (D.C. Cir. 2012). The D.C. Circuit's vacatur of CSAPR was reversed by the United States Supreme Court on April 29, 2014, and the case was remanded to the D.C. Circuit to resolve remaining issues in accordance with the high court's ruling. *EPA* v. *EME Homer City Generation, L.P.,* 134 S. Ct. 1584 (2014). On remand, the D.C. Circuit affirmed CSAPR in most respects, but invalidated without vacating some of the CSAPR budgets to a number of states. *EME Homer City Generation, L.P.* v. *EPA,* 795 F.3d 118 (D.C. Cir. 2015). The remanded budgets include the Phase 2 SO_2 emissions budgets for Alabama, Georgia, Tennessee, and Texas and the Phase 2 ozone-season NOx budgets for 11 states. This litigation ultimately delayed implementation of CSAPR for three years, from January 1, 2012, when CSAPR's cap-and-trade programs were originally scheduled to replace the CAIR cap-and-trade programs, to January 1, 2015. Thus, the rule's Phase 2 budgets that were originally promulgated to begin on January 1, 2014, began on January 1, 2017.

On September 29, 2017 (82 FR 45481), EPA issued a final rule affirming the continued validity of the Agency's 2012 determination that participation in CSAPR meets the RHR's criteria for an alternative to the application of source-

[1] CAIR created regional cap-and-trade programs to reduce SO_2 and NOx emissions in 27 eastern states (and the District of Columbia), including Tennessee, that contributed to downwind nonattainment or interfered with maintenance of the 1997 8-hour ozone NAAQS or the 1997 $PM_{2.5}$ NAAQS.

[2] CSAPR requires 28 eastern states to limit their statewide emissions of SO_2 and/or NO_X in order to mitigate transported air pollution unlawfully impacting other states' ability to attain or maintain four NAAQS: The 1997 ozone NAAQS, the 1997 annual $PM_{2.5}$ NAAQS, the 2006 24-hour $PM_{2.5}$ NAAQS, and the 2008 8-hour ozone NAAQS. The CSAPR emissions limitations are defined in terms of maximum statewide ''budgets'' for emissions of annual SO_2, annual NO_X, and/or ozone-season NO_X by each covered state's large EGUs. The CSAPR state budgets are implemented in two phases of generally increasing stringency, with the Phase 1 budgets applying to emissions in 2015 and 2016 and the Phase 2 budgets applying to emissions in 2017 and later years.

[3] In the April 24, 2012, final rule, EPA took action on the entire Tennessee regional haze plan submitted on April 4, 2008, except for the BART determination for Eastman Chemical Company (Eastman). On November 27, 2012, EPA finalized approval of the BART requirements for Eastman that were provided in the State's April 4, 2008, regional haze plan, as later modified and supplemented on May 14, 2012, and May 25, 2012. *See* 77 FR 70689.

[4] EPA has promulgated FIPs relying on CSAPR participation for BART purposes for Georgia, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, 77 FR at 33654, and Nebraska, 77 FR 40150, 40151 (July 6, 2012). EPA has approved SIPs from several states relying on CSAPR participation for BART purposes. *See, e.g.,* 82 FR 47393 (October 12, 2017) for Alabama; 77 FR 34801 (June 12, 2012) for Minnesota; and 77 FR 46952 (August 7, 2012) for Wisconsin.

specific BART.[5] EPA has determined that changes to CSAPR's geographic scope resulting from the actions EPA has taken or expects to take in response to the D.C. Circuit's budget remand do not affect the continued validity of participation in CSAPR as a BART alternative, because the changes in geographic scope would not have adversely affected the results of the air quality modeling analysis upon which EPA based the 2012 determination. EPA's September 29, 2017, determination was based, in part, on EPA's final action approving a SIP revision from Alabama (81 FR 59869 (August 31, 2016)) adopting Phase 2 annual NO_X and SO_2 budgets equivalent to the federally-developed budgets and on SIP revisions submitted by Georgia and South Carolina to also adopt Phase 2 annual NO_X and SO_2 budgets equivalent to the federally-developed budgets.[6] Since that time, EPA has approved the SIP revisions from Georgia and South Carolina. *See* 82 FR 47930 (October 13, 2017) and 82 FR 47936 (October 13, 2017), respectively.

Tennessee's November 22, 2017, SIP submittal seeks to correct the deficiencies identified in the April 24, 2012, limited disapproval of its regional haze plan submitted on April 4, 2008, by replacing reliance on CAIR with reliance on CSAPR. EPA is proposing to approve Tennessee's request that EPA amend the State's regional haze plan by replacing its reliance on CAIR with CSAPR. EPA is proposing to approve this SIP submittal and amend the SIP accordingly.

B. Infrastructure SIPs

By statute, plans meeting the requirements of sections 110(a)(1) and (2) of the CAA are to be submitted by states within three years (or less, if the Administrator so prescribes) after promulgation of a new or revised NAAQS to provide for the implementation, maintenance, and enforcement of the new or revised NAAQS. EPA has historically referred to these SIP submissions made for the purpose of satisfying the requirements of sections 110(a)(1) and 110(a)(2) as ''infrastructure SIP'' submissions. Sections 110(a)(1) and (2) require states to address basic SIP elements such as for monitoring, basic program requirements, and legal authority that are designed to assure attainment and maintenance of the newly established or revised NAAQS. More specifically, section 110(a)(1) provides the procedural and timing requirements for infrastructure SIP submissions. Section 110(a)(2) lists specific elements that states must meet for the infrastructure SIP requirements related to a newly established or revised NAAQS. The contents of an infrastructure SIP submission may vary depending upon the data and analytical tools available to the state, as well as the provisions already contained in the state's implementation plan at the time in which the state develops and submits the submission for a new or revised NAAQS.

Section 110(a)(2)(D) has two components: 110(a)(2)(D)(i) and 110(a)(2)(D)(ii). Section 110(a)(2)(D)(i) includes four distinct components, commonly referred to as ''prongs,'' that must be addressed in infrastructure SIP submissions. The first two prongs, which are codified in section 110(a)(2)(D)(i)(I), are provisions that prohibit any source or other type of emissions activity in one state from contributing significantly to nonattainment of the NAAQS in another state (prong 1) and from interfering with maintenance of the NAAQS in another state (prong 2). The third and fourth prongs, which are codified in section 110(a)(2)(D)(i)(II), are provisions that prohibit emissions activity in one state from interfering with measures required to prevent significant deterioration of air quality in another state (prong 3) or from interfering with measures to protect visibility in another state (prong 4). Section 110(a)(2)(D)(ii) requires SIPs to include provisions ensuring compliance with sections 115 and 126 of the Act, relating to interstate and international pollution abatement.

Through this action, EPA is proposing to convert the conditional approvals of the prong 4 portions of Tennessee's infrastructure SIP submissions for the 2010 1-hour NO_2, 2010 1-hour SO_2, and 2012 annual $PM_{2.5}$ NAAQS to full approvals, as discussed in section III of this document.[7] All other applicable infrastructure SIP requirements for these SIP submissions have been or will be addressed in separate rulemakings. A brief background regarding the NAAQS relevant to this proposal is provided below. For comprehensive information on these NAAQS, please refer to the **Federal Register** documents cited in the following subsections.

1. 2010 1-hour SO_2 NAAQS

On June 2, 2010, EPA revised the 1-hour primary SO_2 NAAQS to an hourly standard of 75 parts per billion (ppb) based on a 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. *See* 75 FR 35520 (June 22, 2010). States were required to submit infrastructure SIP submissions for the 2010 1-hour SO_2 NAAQS to EPA no later than June 2, 2013. Tennessee submitted an infrastructure SIP submission for the 2010 1-hour SO_2 NAAQS on March 13, 2014. This proposed action only addresses the prong 4 element of that submission.[8]

2. 2010 1-hour NO_2 NAAQS

On January 22, 2010, EPA promulgated a new 1-hour primary NAAQS for NO_2 at a level of 100 ppb, based on a 3-year average of the 98th percentile of the yearly distribution of 1-hour daily maximum concentrations. *See* 75 FR 6474 (February 9, 2010). States were required to submit infrastructure SIP submissions for the 2010 1-hour NO_2 NAAQS to EPA no later than January 22, 2013. Tennessee submitted an infrastructure SIP submission for the 2010 1-hour NO_2 NAAQS on March 13, 2014. This proposed action only addresses the prong 4 element of that submission.[9]

3. 2012 $PM_{2.5}$ NAAQS

On December 14, 2012, EPA revised the annual primary $PM_{2.5}$ NAAQS to 12.0 micrograms per cubic meter (μg/m^3). *See* 78 FR 3086 (January 15, 2013). States were required to submit infrastructure SIP submissions for the 2012 $PM_{2.5}$ NAAQS to EPA no later than December 14, 2015. Tennessee submitted an infrastructure SIP submission for the 2012 $PM_{2.5}$ NAAQS on December 16, 2015. This proposed

[5] Legal challenges to this rule are pending. *Nat'l Parks Conservation Ass'n* v. *EPA,* No. 17–1253 (D.C. Cir. filed November 28, 2017).

[6] EPA proposed to approve the Georgia and South Carolina SIP revisions adopting CSAPR budgets on August 16, 2017 (82 FR 38866), and August 10, 2017 (82 FR 37389), respectively.

[7] On June 15, 2017, EPA conditionally approved the prong 4 portions of Tennessee's infrastructure SIP submissions for the 2010 1-hour NO_2, 2010 1-hour SO_2, and 2012 annual $PM_{2.5}$ NAAQS. *See* 82 FR 27428.

[8] With the exception of the interstate transport requirements of section 110(a)(2)(D)(i)(I) and (II) (prongs 1, 2, and 4), the other portions of Tennessee's March 13, 2014, 2010 1-hour SO_2 infrastructure submission were addressed in a separate action. *See* 81 FR 85410 (November 28, 2016).

[9] With the exception of the PSD permitting requirements for major sources of sections 110(a)(2)(C), prong 3 of D(i), and (J), and the interstate transport provisions of prong 4 of section 110(a)(2)(D)(i), the other portions of Tennessee's March 13, 2014, 2010 1-hour NO_2 infrastructure submission were addressed in a separate action. *See* 82 FR 3639 (January 12, 2017). On March 18, 2015, EPA approved Tennessee's March 13, 2014, infrastructure SIP submission regarding the PSD permitting requirements for major sources of sections 110(a)(2)(C), prong 3 of D(i), and (J) for the 2010 1-hour NO_2 NAAQS. *See* 80 FR 14019.

action only addresses the prong 4 element of that submission.[10]

II. What are the prong 4 requirements?

CAA section 110(a)(2)(D)(i)(II) requires a state's implementation plan to contain provisions prohibiting sources in that state from emitting pollutants in amounts that interfere with any other state's efforts to protect visibility under part C of the CAA (which includes sections 169A and 169B). EPA most recently issued guidance for infrastructure SIPs on September 13, 2013 (2013 Guidance).[11] The 2013 Guidance states that these prong 4 requirements can be satisfied by approved SIP provisions that EPA has found to adequately address any contribution of that state's sources that impacts the visibility program requirements in other states. The 2013 Guidance also states that EPA interprets this prong to be pollutant-specific, such that the infrastructure SIP submission need only address the potential for interference with protection of visibility caused by the pollutant (including precursors) to which the new or revised NAAQS applies.

The 2013 Guidance lays out how a state's infrastructure SIP submission may satisfy prong 4. One way that a state can meet the requirements is via confirmation in its infrastructure SIP submission that the state has an approved regional haze plan that fully meets the requirements of 40 CFR 51.308 or 51.309. 40 CFR 51.308 and 51.309 specifically require that a state participating in a regional planning process include all measures needed to achieve its apportionment of emission reduction obligations agreed upon through that process. A fully approved regional haze plan will ensure that emissions from sources under an air agency's jurisdiction are not interfering with measures required to be included in other air agencies' plans to protect visibility.

Alternatively, in the absence of a fully approved regional haze plan, a state may meet the requirements of prong 4 through a demonstration in its infrastructure SIP submission that emissions within its jurisdiction do not interfere with other air agencies' plans to protect visibility. Such an infrastructure SIP submission would need to include measures to limit visibility-impairing pollutants and ensure that the reductions conform with any mutually agreed regional haze RPGs for mandatory Class I areas in other states.

III. What is EPA's analysis of how Tennessee addressed prong 4 and regional haze?

As noted in the infrastructure SIP portion of Tennessee's November 22, 2017, SIP revision, the State's March 13, 2014, 2010 1-hour NO_2 and 2010 1-hour SO_2 submission, and December 16, 2015, 2012 annual $PM_{2.5}$ submission rely on the State having a fully approved regional haze plan to satisfy its prong 4 requirements. However, EPA has not fully approved Tennessee's regional haze plan as the Agency issued a limited disapproval of the State's original regional haze plan on April 24, 2012, due to its reliance on CAIR. On December 7, 2016, Tennessee submitted a commitment letter to EPA to submit a SIP revision that revises its regional haze plan to replace reliance on CAIR with CSAPR for certain regional haze provisions.[12] In its letter, Tennessee committed to providing this SIP revision within one year of EPA's final conditional approval of the prong 4 portions of the infrastructure SIP revisions. On June 15, 2017 (82 FR 27428), EPA conditionally approved the prong 4 portion of Tennessee's infrastructure SIP submissions for the 2010 1-hour NO_2, 2010 1-hour SO_2, and 2012 annual $PM_{2.5}$ NAAQS based on this commitment letter from the State. In accordance with the State's December 7, 2016, commitment letter, Tennessee submitted a SIP revision on November 22, 2017, to replace reliance on CAIR with reliance on CSAPR for certain regional haze provisions.

EPA is proposing to approve the State's November 22, 2017, SIP revision replacing reliance on CAIR with CSAPR, and to convert EPA's previous action on Tennessee's regional haze plan from a limited approval/limited disapproval to a full approval because final approval of the SIP revision would correct the deficiencies that led to EPA's limited approval/limited disapproval of the State's regional haze plan. Specifically, EPA's approval of Tennessee's November 22, 2017, SIP revision would satisfy the SO_2 and NO_X BART requirements and first implementation period SO_2 reasonable progress requirements for EGUs formerly subject to CAIR and the requirement that a LTS include measures as necessary to achieve the state-adopted RPGs. Thus, EPA is also proposing to remove EPA's FIP for Tennessee which replaced reliance on CAIR with reliance on CSAPR to address the deficiencies identified in the limited disapproval of Tennessee's regional haze plan. Because a state may satisfy prong 4 requirements through a fully approved regional haze plan, EPA is therefore also proposing to convert the conditional approvals to full approvals of the prong 4 portion of Tennessee's March 13, 2014, 2010 1-hour NO_2 and 2010 1-hour SO_2 submission, and December 16, 2015, 2012 annual $PM_{2.5}$ submission.

IV. Proposed Action

As described above, EPA is proposing to take the following actions: (1) Approve Tennessee's November 22, 2017, SIP submission to change reliance from CAIR to CSAPR in its regional haze plan; (2) convert EPA's limited approval/limited disapproval of Tennessee's April 4, 2008, regional haze plan to a full approval; (3) remove EPA's FIP for Tennessee which replaced reliance on CAIR with reliance on CSAPR to address the deficiencies identified in the limited disapproval of Tennessee's regional haze plan; and (4) convert EPA's June 15, 2017, conditional approvals to full approvals of the prong 4 portion of Tennessee's March 13, 2014, 2010 1-hour NO_2 and 2010 1-hour SO_2 submission, and December 16, 2015, 2012 annual $PM_{2.5}$ submission. All other applicable infrastructure requirements for the infrastructure SIP submissions have been or will be addressed in separate rulemakings.

V. Statutory and Executive Order Reviews

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

- Are not significant regulatory actions subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

[10] With the exception of the interstate transport requirements of section 110(a)(2)(D)(i)(I) and (II) (prongs 1, 2, and 4), the other portions of Tennessee's December 16, 2015, $PM_{2.5}$ infrastructure submission were addressed in a separate action. *See* 82 FR 21706 (May 10, 2017). No action has been taken with respect to prongs 1 and 2 for the 2012 annual $PM_{2.5}$ NAAQS.

[11] "Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)," Memorandum from Stephen D. Page, September 13, 2013.

[12] Tennessee's December 7, 2016, commitment letter is included in the docket for this action.

• Are not Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory actions because these actions are either exempted or not significant under Executive Order 12866;

• Do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

• Are certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

• Do not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• Do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• Are not economically significant regulatory actions based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• Are not significant regulatory actions subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• Are not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: June 8, 2018.

Onis ''Trey'' Glenn, III,

Regional Administrator, Region 4.

[FR Doc. 2018–13146 Filed 6–19–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–1986–0005; FRL–9979–21—Region 3]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Ordnance Works Disposal Areas Superfund Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; notice of intent.

SUMMARY: The Environmental Protection Agency (EPA), Region 3, is issuing a Notice of Intent to Delete the Ordnance Works Disposal Areas Superfund Site (Site) located in Morgantown, West Virginia, from the National Priorities List (NPL) and requests public comments on this proposed action. For purposes of this action, the Site consists of Operable Unit 1 (OU1), an NPL-listed area of approximately 6 acres. Also for purposes of this action, and unless otherwise noted, the Site does not include Operable Unit 2 (OU2), a non-NPL listed area of approximately eight hundred acres. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of West Virginia, through the West Virginia Department of Environmental Protection (WVDEP), have determined that all appropriate response actions under CERCLA, other than operation and maintenance, monitoring, and five-year reviews have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: Comments must be received by July 20, 2018.

ADDRESSES: Submit your comments, identified by Docket ID no. EPA–HQ–SFUND–1986–0005, by one of the following methods:

• *https://www.regulations.gov*: Follow on-line instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets.*

• *Email*: Jeffrey Thomas at *thomas.jeffrey@epa.gov.*

• *Mail:* Jeffrey Thomas (3HS23), Remedial Project Manager, United States Environmental Protection Agency 1650 Arch Street, Philadelphia, PA 19103.

• *Hand delivery:* United States Environmental Protection Agency, 1650 Arch Street, Philadelphia, PA 19103. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID no. EPA–HQ–SFUND–1986–0005. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *https://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be CBI or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *https://www.regulations.gov* or email. The *https://www.regulations.gov* website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *https://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA

cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *https://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in the hard copy. Publicly available docket materials are available either electronically in *https://www.regulations.gov* or in hard copy at: U.S. EPA Region 3, Superfund Records Center, 6th Floor, 1650 Arch Street, Philadelphia, PA 19103–2029; (215) 814–3157, Monday through Friday 8:00 a.m. to 5:00 p.m., Morgantown Public Library, 373 Spruce Street, Morgantown, WV 26505; (304) 291–7425, Monday through Saturday 9:00 a.m. to 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Jeffrey Thomas, Remedial Project Manager, U.S. Environmental Protection Agency, Region 3, 3HS23, 1650 Arch Street, Philadelphia, PA 19103, (215) 814–3377, email *thomas.jeffrey@epa.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Intended Site Deletion

I. Introduction

EPA Region 3 announces its intent to delete the Ordnance Works Disposal Areas Superfund Site from the National Priorities List (NPL) and requests public comment on this proposed action. For purposes of this action, the Site consists of Operable Unit 1 (OU1), an NPL-listed area of approximately 6 acres. This action does not include Operable Unit 2 (OU2), a non-NPL listed area of approximately eight hundred acres. Both OU1 and OU2 are located in an industrial/commercial complex formally known as the Morgantown Ordnance Works in Morgantown, West Virginia. Unless otherwise stated, references to the ''Site'' shall mean OU1 only. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended. EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). As described in 40 CFR 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for Fund-financed remedial actions if future conditions warrant such actions.

EPA will accept comments on the proposal to delete this site for thirty (30) days after publication of this document in the **Federal Register**.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Ordnance Works Disposal Areas Superfund Site and demonstrates how it meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making such a determination pursuant to 40 CFR 300.425(e), EPA will consider, in consultation with the State, whether any of the following criteria have been met:

i. Responsible parties or other persons have implemented all appropriate response actions required;

ii. all appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

iii. the remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, the taking of remedial measures is not appropriate.

Pursuant to CERCLA section 121(c) and the NCP, EPA conducts five-year reviews to ensure the continued protectiveness of remedial actions where hazardous substances, pollutants, or contaminants remain at a site above levels that allow for unlimited use and unrestricted exposure. EPA conducts such five-year reviews even if a site is deleted from the NPL. EPA may initiate further action to ensure continued protectiveness at a deleted site if new information becomes available that indicates it is appropriate. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system.

III. Deletion Procedures

The following procedures apply to deletion of the Site:

(1) EPA consulted with the State before developing this Notice of Intent to Delete;

(2) EPA has provided the State 30 working days for review of this action prior to this publication;

(3) In accordance with the criteria discussed above, EPA has determined that no further response is appropriate;

(4) The State of West Virginia, through the WVDEP, has concurred with deletion of the Site from the NPL;

(5) Concurrently with the publication of this Notice of Intent to Delete in the **Federal Register**, a notice is being published in a major local newspaper, The Dominion Post. The newspaper notice announces the 30-day public comment period concerning the Notice of Intent to Delete the Site from the NPL;

(6) The EPA placed copies of documents supporting the proposed deletion in the deletion docket and made these items available for public inspection and copying at the Site information repositories identified above.

If comments are received within the 30-day public comment period on this document, EPA will evaluate and respond appropriately to the comments before making a final decision to delete. If necessary, EPA will prepare a Responsiveness Summary to address any significant public comments received. After the public comment period, if EPA determines it is still appropriate to delete the Site, the Regional Administrator will publish a final Notice of Deletion in the **Federal Register**. Public notices, public submissions, and copies of the Responsiveness Summary, if prepared, will be made available to interested parties and in the site information repositories listed above.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion of a site from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA management. Section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions, should future conditions warrant such actions.

IV. Basis for Intended Site Deletion

The following information provides EPA's rationale for deleting the Site from the NPL:

Site Location and Use History

The Ordnance Works Disposal Areas Superfund Site (EPA Identification Number WVD000850404) consists of a disposal area designated by EPA as OU1 containing approximately 6 acres within a commercial/industrial development known as the Morgantown Ordnance Works outside of Morgantown, West Virginia. See Section I (Introduction) for details regarding OU1 and OU2. Within the geographical limits of OU2 is a third area consisting of two separate parcels currently being studied under the Resource Conservation and Recovery Act (RCRA). OU1 was a disposal location used by entities that operated in the remainder of the Morgantown Ordnance Works complex.

A removal action was conducted at OU2 on hotspots identified in a Remedial Investigation completed in 1995. Cleanup of OU2 occurred pursuant to a 1996 settlement with potentially responsible parties (PRPs) to perform a removal action and was based on exposure scenarios for the current and future anticipated land use. The work was conducted between March 1997 and June 1997. After the removal action was completed, EPA determined, based on the residual risk assessment analysis, that the potential for adverse carcinogenic and non-carcinogenic effects to industrial workers and youth trespassers was negligible and within the limits considered acceptable by EPA. No further response actions at OU2 are anticipated.

The Site is located approximately one mile southwest of the city of Morgantown, West Virginia, near the west bank of the Monongahela River. The population of Monongalia County is approximately 75,509; the city of Morgantown accounts for 25,879 of this total. The majority of the population lives to the northeast and northwest of the Site and obtains drinking water from a public supply. There are several houses within a one-mile radius of the Site that utilize wells in one capacity or another, however they are not located downgradient of the Site.

The Morgantown Ordnance Works, which later became the Morgantown Industrial Park, has been the location of a variety of industrial and chemical production facilities since the 1940's. These activities occurred primarily in OU2 of the Site; OU1 was used as a disposal area for various industrial concerns operating in OU2. Beginning in October 1940, the Morgantown Ordnance Works property was developed as a coke plant and chemical production facility by E.I. DuPont de Nemours and Company under contract to the United States Government. From 1943–1962, the United States held title to the property. Between 1941 and 1958, various businesses were operated by private parties, in some cases pursuant to government contracts and operating agreements, and in other cases pursuant to commercial leases. During these years, substances such as hexamine, ammonia, methyl alcohol, formaldehyde, ethylene diamine, and coke were produced. The plant was idle from 1958–1962.

In 1962, the property was sold to Morgantown Ordnance Works, Inc. which then leased and/or sold portions of the property to various industrial and chemical manufacturing operations. In 1964 Weston Chemical Company purchased a portion of the property totaling 62 acres that is split between two facilities known as the North and South plants. Weston Chemical Company was purchased by the Borg-Warner Corporation in 1969. General Electric (GE) purchased Borg-Warner Corporation in 1988 and in 2003 the GE North and South plants were purchased by Crompton Corporation. The Crompton Corporation then sold the two plants to Chemtura Corporation which in turn sold the two facilities, in 2013, to Addivant US, LLC, the current owner. The North and South plants are active facilities currently being addressed through a June 1990 RCRA settlement with EPA.

Except for parcels previously sold, which were portions of OU2, the Morgantown Ordnance Works property was acquired by Princess Coals, Inc. in 1978. In 1982, the property was purchased by private individuals who later formed Morgantown Industrial Park, Inc. In 1983, the property was conveyed to Morgantown Industrial Park Associates, which retained ownership of OU1, but then sold all of the other parcels comprising the industrial park property.

Initial Response, NPL Listing, and Study

As a result of the industrial activities that occurred at the Morgantown Ordnance Works facility, hazardous substances were disposed of within a small area in the southern portion of the facility that is OU1 of the Site. OU1 contained an inactive landfill, two lagoons, a former drum staging area, and an area used for the shallow disposal of wastes called the scraped area. Investigation of this disposal area by EPA began in 1981. OU1 was proposed to the NPL on October 15, 1984 (49 FR 40320). On June 10, 1986, OU1 was added to the NPL (51 FR 21054).

Sampling at OU1 of the Site occurred in various phases between 1988 and 1998. Samples were collected, both by EPA as well as by PRPs, from groundwater, surface and subsurface soils, surface water, and sediments. Analyses revealed no connection between disposal activities at OU1 and the groundwater. The surface and subsurface soils, surface water, and sediment at OU1 were all impacted to varying degrees by organic and inorganic contaminants.

Test pits installed in the scraped area during the 1988 Remedial Investigation (RI) revealed cinder-like backfill material, blue and black catalyst pellets, and yellow solid material. Additional Phase II soil borings taken in the scraped area exposed visible tar at depths of up to eight feet and revealed total carcinogenic polycyclic aromatic hydrocarbons (cPAHs) ranging from 94 parts per million (ppm) to 36,000 ppm. Some elevated levels of inorganic contaminants were detected during the RI but were not detected in the scraped area during the 1996 Phase II Interim Design Tasks.

A portion of the lagoon area was excavated in 1981 to address metal plating wastes disposed in two surface impoundments between 1970 and 1976. During this action, miscellaneous wastes including coal tars were observed in the lagoon. Further investigation during the Phase II Interim Design Tasks indicated cPAH concentrations ranging from 3.2 ppm to 30,000 ppm; however, the inorganic contaminants detected during the 1988 RI were not found.

The northern section of OU1 was the location of the abandoned, inactive landfill estimated to have a fill depth of 20 feet at its thickest location. No records exist on quantities or types of material disposed of in the landfill. Eyewitness reports and direct observation reveal that the landfill contained construction debris, slag, ash, and catalyst pellets. Leachate from the landfill drained to the northeast into a wetland. The wetland drained directly to a feature known as ''Swale 3,'' which eventually discharged to the Monongahela River. During pre-design sampling, the sediment layer of both the wetland and upper portion of Swale 3 were determined to have been impacted by heavy metals contamination.

As part of the 1988 Remedial Investigation/Feasibility Study (RI/FS), EPA prepared a Baseline Human Health Risk Assessment (BHHRA) for the Site in order to identify and define possible existing and future human health risks associated with exposure to the contaminants present in the various media at OU1 if no action were taken. The BHHRA was revised in the 1989

Focused Feasibility Study (FFS) report. In both the 1988 original and 1989 revised BHHRA documents, EPA concluded that action was necessary to prevent contact with contaminated soil and sediments found at OU1 of the Site.

A comprehensive Ecological Risk Assessment was not conducted during either the 1988 RI/FS or the 1989 FFS. While drafting the September 29, 1999 Record of Decision (ROD), EPA's Biological Technical Assistance Group reviewed the 1988 RI data and concluded that inorganic contaminants were present in surface water and sediments within OU1 at levels that were acutely toxic to potentially affected ecosystems.

Selected Remedy

In March 1988, EPA issued a Record of Decision (ROD) for OU1 selecting onsite incineration of soils and sediments contaminated with cPAHs and heavy metals. In November 1988, EPA opened an additional 30-day comment period for out-of-state PRPs who had not received notice of the original Proposed Plan. Based on comments received during this period, EPA conducted a focused feasibility study (FFS) in 1989 to re-evaluate the alternatives described in the March 1988 ROD and to conduct a risk-based analysis of cleanup levels. This FFS was completed in June 1989.

On September 29, 1989, EPA issued a ROD that superseded the 1988 ROD. The 1989 ROD selected a remedy and contingency remedy for OU1. The selected remedial action included, among other things, excavation and treatment of inorganic hot spots from the lagoon and scraped areas; disposal of treated inorganic contaminants at the former landfill area; capping the former landfill; and excavation and treatment of organics-contaminated soils and sediments using bioremediation. The contingency remedial action called for treatment of soils and sediments using soil washing technology. In June 1990, EPA issued an administrative order directing several PRPs to implement the September 1989 ROD.

The human health risk assessment conducted in conjunction with the OU1 RI was completed in 1988. This assessment was completed prior to the issuance of a revised cancer potency factor (CPF) established in the Integrated Risk Information System (IRIS) for benzo(a)pyrene (BAP) and the interim comparative potency estimates provided by EPA's Office of Research and Development (ORD) in a guidance document entitled ''Provisional Guidance for Quantitative Risk Assessment of Polycyclic Aromatic Hydrocarbons'' (EPA/600/R–93/089 (July 1993)). In 1995, during implementation of remedial design conducted under EPA's June 1990 administrative order, the PRPs recalculated the cleanup standards for cPAHs at OU1 using the new CPF established in IRIS and the interim comparative potency estimates established by ORD. The resulting cleanup standard was less stringent than the cleanup standard identified in the September 1989 ROD. The PRPs submitted a proposal to EPA in July 1995 requesting that the Agency adopt the newly calculated cleanup standard of 78 ppm total cPAHs. EPA evaluated this proposal using a Monte Carlo simulation and determined that this cleanup level would result in risk within the $1x10^{-4}$ to $1x10^{-6}$ acceptable risk range established by the NCP. The Monte Carlo risk assessment verified that 78 ppm total cPAHs was an acceptable cleanup standard as long as the associated BAP value did not exceed 18.2 ppm. Achieving a cleanup level of 78 ppm total cPAHs with no more than 18.2 ppm BAP became the cPAH cleanup standard approved by EPA.

The PRPs completed treatability studies for the bioremediation component in March 1997 under EPA's June 1990 administrative order. The PRPs concluded, and EPA agreed, that bioremediation was not capable of meeting the 78 ppm total cPAH cleanup standard within a reasonable time-frame and was not cost-effective. The PRPs and EPA also concluded that the soil washing contingency action described in the September 1989 ROD was similarly deficient. In the Spring of 1997, the PRPs submitted a proposal to EPA to conduct a second FFS to identify a replacement remedial action for OU1. EPA agreed and negotiated a new agreement with the PRPs for this study work in October 1997. The second FFS was completed in 1998.

On September 30, 1999, EPA issued a ROD that superseded the 1989 ROD. The 1999 ROD selected a replacement remedial action for OU1. The selected remedy consisted of off-site thermal treatment of visibly stained stream, lagoon, and scraped area soils/sediments; consolidation of contaminated media into the existing landfill; restoration of streams and wetland areas where sediment was excavated; capping of the existing landfill; long-term monitoring; and institutional controls to protect the cap and prohibit residential development, recreational use, schools, and child care facilities within OU1. Neither the March 1988 ROD nor the September 1989 ROD required action to address groundwater. There was no evidence that the groundwater had been significantly impacted by disposal operations at OU1 and no unacceptable risks were posed to receptors of the groundwater at OU1. Therefore, the remedy selected in the 1999 ROD also did not include a groundwater remediation component.

Response Actions

The PRPs implemented the remedy selected for OU1 pursuant to an administrative order originally issued in 1989 and modified in 1999 to direct the PRPs to implement the 1999 ROD. The Remedial Design (RD) was conducted in conformance with the approved work plan and 1999 ROD. The Remedial Action (RA) was initiated in August 2000. The target areas were excavated as part of the RA and soils and sediments containing visible coal tar were separated for treatment and utilization as a fuel source for a local power plant. Utilization of the treated coal tar as a fuel source achieved destruction of the contaminants of concern through thermal treatment as well as beneficial reuse of the coal tar to produce electricity. The rest of the excavated material found to be above the ROD cleanup criteria was consolidated into the former landfill which was covered with a multi-layer RCRA Subtitle C cap.

EPA and WVDEP conducted a final inspection of OU1 on September 11, 2003 and determined that the remedy had been constructed in accordance with the Remedial Design plans and specifications and that no further construction was anticipated. EPA and WVDEP reviewed the remedial action contract and construction for compliance with quality assurance and quality control (QA/QC) protocols. Construction activities at the Site were determined to be consistent with the 1999 ROD, Remedial Design plans and specifications, and EPA's June 1990 administrative order.

The PRP's construction contractor adhered to the approved Construction Quality Assurance Plan (CQAP). The CQAP incorporated all EPA and State requirements. All confirmatory inspections, independent testing, audits, and evaluations of materials and workmanship were performed in accordance with the construction drawings, technical specifications, and the CQAP. Construction quality assurance was performed by the United States Army Corps of Engineers, Huntington District, which maintained a constant on-site presence. The EPA Remedial Project Manager and State regulators visited OU1 approximately twice a month during construction activities to review construction

progress and evaluate and review the results of QA/QC activities. Institutional controls to protect the cap, limit land use to industrial/commercial operations, and prohibit use of groundwater were implemented in 2006 with the recording of an Environmental Covenant in the office of the Clerk of the County Commission of Monongalia County, West Virginia, in Deed Book 1327, at Page 557.

Cleanup Levels

The remedy addressed visible tar-like material and contaminated soil and sediment exceeding site-specific cleanup standards. Cleanup standards specified in the 1999 ROD for the surface and subsurface soils in the Lagoon Area and Scraped Area are as follows: Total cPAH 78 ppm, with a BAP value not to exceed 18.2 ppm; arsenic 88.8 ppm; cadmium 642 ppm; copper 41,100 ppm; and lead 500 ppm. Cleanup standards specified in the 1999 ROD for stream and wetlands sediments are as follows: Total cPAH 78 ppm, with a BAP value not to exceed 18.2 ppm; arsenic 9.62 ppm; cadmium 0.35 ppm; chromium 30.2 ppm; copper 22.7 ppm; lead 31.6 ppm; mercury non-detect; and zinc 86.8 ppm. The project team determined that total removal of the existing sediments and replacement with clean fill would be the most the appropriate way to achieve cleanup of the sediments. Removal of the contaminated sediment and replacement with clean fill was completed as part of the Remedial Action.

The Quality Assurance Project Plan (QAPP) incorporated all EPA and State QA/QC procedures and protocols. EPA analytical methods were used for all confirmation and monitoring samples during RA activities. Sampling and analysis during construction and during Operation and Maintenance (O&M) monitoring was performed in accordance with approved Sampling and Analysis Plans. Procedures and protocols followed for soil sample analysis during the RA were conducted in accordance with the Contract Laboratory Program. EPA and the State determined that analytical results are accurate to the degree needed to assure satisfactory completion of the RA.

Operation and Maintenance

Site O&M requirements are contained in the approved O&M Plan dated April 13, 2012. This plan includes inspection of the landfill cover and wetlands and associated drainage systems, and sampling requirements for groundwater and treatment wetland effluent. O&M activities are performed by the PRPs under the 1990 EPA administrative order.

The treatment wetlands were initially inspected every six months during the first two years following the completion of the RA and continue to be inspected and maintained to ensure flow-through of leachate in the pond system. The integrity of the treatment ponds system has been monitored and has not required modification to date.

The replacement wetlands, located adjacent to the Monongahela River, are inspected annually as part of the landfill cap inspection. Beginning in 2008, the PRPs undertook efforts to eradicate invasive plant species from the replacement wetlands at the request of EPA and WVDEP. Recent inspections of the replacement wetlands have verified that the wetlands have developed into a high quality mosaic of forested, shrub-scrub, and emergent wetlands habitats. Invasive plants are present, but at low density as a result of the control measures implemented after construction. The presence of numerous wetland terrestrial, aquatic, and avian species was noted through visual and auditory observation.

Landfill cap inspections currently occur on a semi-annual basis. The cap has remained in good condition and has required only minor revegetation in small areas affected by erosion. No cracking or movement of surficial soils has occurred on the top of the cap slope. Storm water conveyance channels remain in good condition and no obvious signs of ponding water have been found. Overall the vegetative cover remains robust and well established and the drainage system operates as designed.

Five-Year Reviews

Five-Year Reviews were conducted at the Site in 2006, 2011, and 2016. In the Five-Year Review report issued on September 12, 2016, EPA concluded that the remedial action objectives for the remedy had been achieved. EPA found that the remedy is protective of human health and the environment, that the remedy was implemented in accordance with the remedial action objectives of the 1999 ROD, and that the remedy was functioning as intended. The landfill has not been found to be a significant source of contamination to the groundwater in the area and the contaminants of concern identified in the 1999 ROD have not been detected in groundwater samples during the review period. The multi-layer RCRA landfill cap was determined to be effective in containing hazardous waste materials, the treatment wetland ponds appeared to be functioning as intended, and access restrictions were found to be functional. Institutional controls are in place to prohibit disturbing the landfill cap, use of groundwater, and non-commercial use of any kind within OU1. O&M including annual inspections, leachate monitoring, and treatment wetland monitoring are performed by the PRPs pursuant to the 2012 approved O&M Plan. There were no issues or recommendations identified in the 2016 report. The next review for OU1 is required by September 2021.

Community Involvement

Throughout the Site's history, EPA has kept the community and other interested parties apprised of Site activities through fact sheets, press releases, and public meetings. Public participation activities have been performed in accordance with Sections 113(k) and 117 of CERCLA. Documents in the deletion docket upon which EPA relied for recommending deletion of OU1 from the NPL are available to the public in the information repositories. EPA notified local officials in advance about Five-Year Reviews and placed notices in The Dominion Post to inform the public that the Five-Year Reviews were being conducted and when the findings of each would be available.

Determination That the Criteria for Deletion Have Been Met

The implemented remedy achieves the degree of cleanup and protection specified in the 1999 ROD and meets EPA's acceptable risk for all exposure pathways. The remedial action at OU1 has been completed in accordance with the 1999 ROD, institutional controls are in place, and O&M is being conducted in accordance with the approved O&M Plan. All remedial action objectives, performance standards, and cleanup goals established in the 1999 ROD have been achieved and the remedy is protective of human health and the environment in both the short- and long-term. No further Superfund response, other than O&M, monitoring, and Five-Year Reviews, is necessary to continue to protect human health and the environment. All of the selected remedial actions and the remedial action objectives and associated cleanup goals are consistent with CERCLA, the NCP, and EPA policy and guidance.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping

requirements, Superfund, Water pollution control, Water supply.

Authority: 33 U.S.C. 1321(d); 42 U.S.C. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p. 306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Dated: May 30, 2018.

Cosmo Servidio,

Regional Administrator, U.S. Environmental Protection Agency Region 3.

[FR Doc. 2018–12709 Filed 6–19–18; 8:45 am]

BILLING CODE 6560–50–P

COUNCIL ON ENVIRONMENTAL QUALITY

40 CFR Parts 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, and 1508

[Docket No. CEQ–2018–0001]

RIN: 0331–AA03

Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act

AGENCY: Council on Environmental Quality (CEQ).

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Council on Environmental Quality (CEQ) is considering updating its implementing regulations for the procedural provisions of the National Environmental Policy Act (NEPA). Over the past four decades, CEQ has issued numerous guidance documents but has amended its regulations substantively only once. Given the length of time since its NEPA implementing regulations were issued, CEQ solicits public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process consistent with the national environmental policy stated in NEPA.

DATES: Comments should be submitted on or before July 20, 2018.

ADDRESSES: Submit your comments, identified by docket identification (ID) number CEQ–2018–0001 through the Federal eRulemaking portal at *https://www.regulations.gov.* Follow the online instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT: Edward A. Boling, Associate Director for the National Environmental Policy Act, Council on Environmental Quality, 730 Jackson Place NW, Washington, DC 20503. Telephone: (202) 395–5750.

SUPPLEMENTARY INFORMATION:

I. Background

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.,* was enacted in 1970. NEPA states that ''it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.'' 42 U.S.C. 4331(a). NEPA also established CEQ as an agency within the Executive Office of the President. 42 U.S.C. 4342.

By Executive Order (E.O.) 11514, ''Protection and Enhancement of Environmental Quality'' (March 5, 1970), President Nixon directed CEQ in Section 3(h) to issue ''guidelines to Federal agencies for the preparation of detailed statements on proposals for legislation and other Federal actions affecting the environment, as required by section 102(2)(C) of the Act.'' CEQ published these guidelines in April of 1970 and revised them in 1973.

President Carter issued E.O. 11991 (May 24, 1977), ''Relating to Protection and Enhancement of Environmental Quality,'' which amended Section 3(h) of E.O. 11514 to direct CEQ to issue regulations providing uniform standards for the implementation of NEPA, and amended Section 2 of E.O. 11514 to require agency compliance with the CEQ regulations. CEQ promulgated its ''Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act'' (CEQ's NEPA regulations) at 40 CFR parts 1500–1508. 43 FR 55978 (November 29, 1978). Since that time, CEQ has amended its NEPA regulations substantively only once, to eliminate the ''worst case'' analysis requirement of 40 CFR 1502.22. 51 FR 15618 (April 25, 1986).

On August 15, 2017, President Trump issued E.O. 13807, ''Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects.'' 82 FR 40463 (August 24, 2017). Section 5(e) of E.O. 13807 directed CEQ to develop an initial list of actions to enhance and modernize the Federal environmental review and authorization process. In response, CEQ published its initial list of actions pursuant to E.O. 13807 and stated that it intends to review its existing NEPA regulations in order to identify changes needed to update and clarify these regulations. 82 FR 43226 (September 14, 2017).

II. Request for Comment

CEQ requests comments on potential revisions to update and clarify CEQ NEPA regulations. In particular, CEQ requests comments on the following specific aspects of these regulations, and requests that commenters include question numbers when providing responses. Where possible, please provide specific recommendations on additions, deletions, and modifications to the text of CEQ's NEPA regulations and their justifications.

NEPA Process

1. Should CEQ's NEPA regulations be revised to ensure that environmental reviews and authorization decisions involving multiple agencies are conducted in a manner that is concurrent, synchronized, timely, and efficient, and if so, how?

2. Should CEQ's NEPA regulations be revised to make the NEPA process more efficient by better facilitating agency use of environmental studies, analysis, and decisions conducted in earlier Federal, State, tribal or local environmental reviews or authorization decisions, and if so, how?

3. Should CEQ's NEPA regulations be revised to ensure optimal interagency coordination of environmental reviews and authorization decisions, and if so, how?

Scope of NEPA Review

4. Should the provisions in CEQ's NEPA regulations that relate to the format and page length of NEPA documents and time limits for completion be revised, and if so, how?

5. Should CEQ's NEPA regulations be revised to provide greater clarity to ensure NEPA documents better focus on significant issues that are relevant and useful to decisionmakers and the public, and if so, how?

6. Should the provisions in CEQ's NEPA regulations relating to public involvement be revised to be more inclusive and efficient, and if so, how?

7. Should definitions of any key NEPA terms in CEQ's NEPA regulations, such as those listed below, be revised, and if so, how?

a. Major Federal Action;
b. Effects;
c. Cumulative Impact;
d. Significantly;
e. Scope; and
f. Other NEPA terms.

8. Should any new definitions of key NEPA terms, such as those noted below, be added, and if so, which terms?

a. Alternatives;
b. Purpose and Need;
c. Reasonably Foreseeable;
d. Trivial Violation; and
e. Other NEPA terms.

9. Should the provisions in CEQ's NEPA regulations relating to any of the types of documents listed below be revised, and if so, how?
a. Notice of Intent;
b. Categorical Exclusions Documentation;
c. Environmental Assessments;
d. Findings of No Significant Impact;
e. Environmental Impact Statements;
f. Records of Decision; and
g. Supplements.

10. Should the provisions in CEQ's NEPA regulations relating to the timing of agency action be revised, and if so, how?

11. Should the provisions in CEQ's NEPA regulations relating to agency responsibility and the preparation of NEPA documents by contractors and project applicants be revised, and if so, how?

12. Should the provisions in CEQ's NEPA regulations relating to programmatic NEPA documents and tiering be revised, and if so, how?

13. Should the provisions in CEQ's NEPA regulations relating to the appropriate range of alternatives in NEPA reviews and which alternatives may be eliminated from detailed analysis be revised, and if so, how?

General

14. Are any provisions of the CEQ's NEPA regulations currently obsolete? If so, please provide specific recommendations on whether they should be modified, rescinded, or replaced.

15. Which provisions of the CEQ's NEPA regulations can be updated to reflect new technologies that can be used to make the process more efficient?

16. Are there additional ways CEQ's NEPA regulations should be revised to promote coordination of environmental review and authorization decisions, such as combining NEPA analysis and other decision documents, and if so, how?

17. Are there additional ways CEQ's NEPA regulations should be revised to improve the efficiency and effectiveness of the implementation of NEPA, and if so, how?

18. Are there ways in which the role of tribal governments in the NEPA process should be clarified in CEQ's NEPA regulations, and if so, how?

19. Are there additional ways CEQ's NEPA regulations should be revised to ensure that agencies apply NEPA in a manner that reduces unnecessary burdens and delays as much as possible, and if so, how?

20. Are there additional ways CEQ's NEPA regulations related to mitigation should be revised, and if so, how?

(Authority: 42 U.S.C. 4332, 4342, 4344 and 40 CFR parts 1500, 1501, 1502, 1503, 1505, 1506, 1507, and 1508)

III. Statutory and Executive Order Reviews

Under E.O. 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (October 4, 1993), this is a ''significant regulatory action.'' Accordingly, CEQ submitted this action to the Office of Management and Budget (OMB) for review under E.O. 12866 and any changes made in response to OMB recommendations have been documented in the docket for this action. Because this action does not propose or impose any requirements, and instead seeks comments and suggestions for CEQ to consider in possibly developing a subsequent proposed rule, the various statutes and executive orders that normally apply to rulemaking do not apply in this case. If CEQ decides in the future to pursue a rulemaking, CEQ will address the statutes and executive orders applicable to that rulemaking at that time.

Mary B. Neumayr,

Chief of Staff, Council on Environmental Quality.

[FR Doc. 2018–13246 Filed 6–19–18; 8:45 am]

BILLING CODE 3225–F8–P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 105–60

[GSPMR Case 2016–105–1; Docket No. 2016–0004, Sequence No. 1]

RIN 3090–AJ74

Public Availability of Agency Records and Informational Materials

AGENCY: Office of Administrative Services (OAS), General Services Administration (GSA).

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) is issuing a proposed rule to amend its regulations implementing the Freedom of Information Act (FOIA). The regulations are being revised to update and streamline the language of several procedural provisions and to incorporate certain changes brought about by the amendments to the FOIA under both statutory and nonstatutory authorities. This rule also amends the GSA's regulations under the Freedom of Information Act (FOIA) to incorporate certain changes made to the FOIA by the FOIA Improvement Act of 2016. Additionally, the regulations are being updated to reflect developments in case law, executive guidance from the Department of Justice—Office of Information Policy, technological advancements in how the FOIA is administered, and to include current cost figures to be used in calculating and charging fees. Finally, the revisions increase the amount of information that members of the public may receive from the Agency without being charged processing fees through proactive disclosures.

DATES: Interested parties should submit written comments to the Regulatory Secretariat Division at one of the addresses shown below on or before August 20, 2018 to be considered in the formation of the final rule.

ADDRESSES: Submit comments in response to GSPMR case 2016–105–1 by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''GSPMR Case 2016–105–1''. Select the link ''Comment Now'' that corresponds with ''GPSMR Case 2016–105–1.'' Follow the instructions provided on the screen. Please include your name, company name (if any), and ''GSPMR Case 2016–105–1'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), ATTN: Ms. Lois Mandell, 1800 F Street NW, 2nd Floor, Washington, DC 20405.

Instructions: Please submit comments only and cite GSPMR Case 2016–105–1, in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Mr. Travis S. Lewis, Director of GSA, OAS, Freedom of Information Act and Records Management Division, at 202–219–3078 via email at *travis.lewis@gsa.gov* for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite GSPMR Case 2016–105–1.

SUPPLEMENTARY INFORMATION:

I. Background

The FOIA provides that any person has a right, enforceable in federal court, to obtain access to Federal agency records, except to the extent that such records (or portions of them) are protected from public disclosure by one of nine exemptions or by one of three special law enforcement record exclusions. The FOIA thus established a statutory right of public access to Executive Branch information in the Federal Government. 41 CFR part 105–60 establishes the policies, responsibilities and procedures for the release of GSA records, which are under the jurisdiction of GSA, to members of the public. These regulations apply to information found in all GSA organizations, portfolios, business lines, regional offices, and components. This rule proposes revisions to GSA's regulations under the FOIA to update and streamline the language of several procedural provisions and to incorporate certain of the changes brought about by the amendments to the FOIA under the FOIA Improvement Act of 2016, the OPEN FOIA Act of 2009, the OPEN Government Act of 2007, and the Electronic Freedom of Information Act Amendments of 1996. With respect to the FOIA Improvement Act of 2016, Public Law 114–185, 130 Stat. 538 (June 30, 2016). The FOIA Improvement Act of 2016 provides that agencies must allow a minimum of 90 days for requesters to file an administrative appeal. The Act also requires that agencies notify requesters of the availability of dispute resolution services at various times throughout the FOIA process. Finally, the Act codifies the ''foreseeable harm'' standard. This proposed rule updates the GSA's regulations in 41 CFR part 105–60 to reflect those statutory changes.

Additionally, the regulations are being updated to reflect developments in case law, technological changes in the administration of the FOIA, executive guidance from the Department of Justice, other nonstatutory authorities such as Presidential Executive Orders, and to include current cost figures to be used in calculating and charging fees. The proposed revisions incorporate changes to the language and structure of the current GSA regulations enumerated in 41 CFR part 105–60 to achieve the aforementioned updates. Please note that proposed revisions to GSA's FOIA Fee Schedule can be found in Subpart J—Fees. The revisions also increase the amount of information that members of the public may receive from the Agency without being charged processing fees through proactive disclosures of agency records online in the GSA FOIA Reading Room. All substantive changes to GSA's FOIA regulations in this proposed rule will be effective upon final publication of this rule in the **Federal Register**.

II. Executive Orders 12866 and 13563—Regulatory Review

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This proposed rule is not a major rule under 5 U.S.C. 804.

III. Executive Order 13771

This rule is not subject to E.O. 13771, because this rule is not a significant regulatory action under E.O. 12866.

IV. Regulatory Flexibility Act

This proposed rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* This proposed rule is also exempt from Administrative Procedure Act per 5 U.S.C. 553(a)(2), because it applies to agency management or personnel.

V. Small Business Regulatory Enforcement Fairness Act

This proposed rule is also exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

VI. Paperwork Reduction Act

This proposed rule does not contain any information collection requirements that require approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

VII. Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

List of Subjects in 41 CFR Part 105–60

Administrative practice and procedure, Records, Information, Confidential business information, Freedom of Information Act, Privacy Act.

Dated: June 12, 2018.

Robert Stafford,

Chief Administrative Services Officer, General Services Administration.

■ For the reasons stated in the preamble, GSA proposes to revise 41 CFR part 105–60 to read as follows:

PART 105–60—PUBLIC AVAILABILITY OF AGENCY RECORDS AND INFORMATIONAL MATERIALS

Sec.

Subpart A—General Policy

105–60.000 Scope of part.
105–60.001 General policy.

Subpart B–Proactive Disclosures

105–60.100 Public availability of information.

Subpart C—Requirements for Making Requests

105–60.200 Making a request.
105–60.201 Description of records sought.

Subpart D—Responding to Requests

105–60.300 Responsibility for responding to requests.
105–60.301 Consultation, referral, and coordination.
105–60.302 Time requirements to respond to FOIA requests.
105–60.303 Unusual circumstances.
105–60.304 Expedited processing.

Subpart E—Acknowledging the FOIA Request

105–60.400 Acknowledgement procedures.

Subpart F—FOIA Exemptions

105–60.500 Applying FOIA exemptions.

Subpart G—Final Responses to the FOIA Request

105–60.600 Final response procedures and rules.

Subpart H—Handling Confidential Commercial Information

105–60.700 Procedural and lawful considerations.
105–60.701 Opportunity to object to disclosure.

Subpart I—Appeals

105–60.800 Submitting an appeal.
105–60.801 Adjudication.
105–60.802 Requirements to preserve FOIA records.

Subpart J—Fees

105–60.900 General provisions.
105–60.901 Definitions.
105–60.902 Fees to be charged.
105–60.903 Restrictions on charging fees.
105–60.905 Anticipated fees.
105–60.906 Advanced payments.
105–60.907 Fee waivers and fee reductions.

Subpart K—Other Rights and Services

105–60.1000 Coda.

Subpart L—Definitions

105–60.1100 Definitions.

Authority: 5 U.S.C. 301 and 552; 40 U.S.C. 486(c).

Subpart A—General Policy

§ 105–60.000 Scope of part.

This part of the Code of Federal Regulations contains the rules that the United States General Services Administration, hereinafter GSA, follows in processing requests for records under the Freedom of Information Act (''FOIA''), 5 U.S.C. 552. These rules should be read in conjunction with the text of the FOIA and the Uniform Freedom of Information Fee Schedule and Guidelines published by the Office of Management and Budget (''OMB Guidelines''). Requests made by individuals for records about themselves under the Privacy Act of 1974, 5 U.S.C. 552a, are processed in accordance with Privacy Act regulations as well as under this part.

§ 105.60.001 General policy.

(a) In compliance with the Freedom of Information Act (FOIA), as amended 5 U.S.C. 552, a positive and continuing obligation exists for the GSA to make available to the fullest extent practicable upon request by members of the public, all records and informational materials that are generated, maintained, and controlled by GSA.

(b) This subpart also covers exemptions from disclosure of these records; procedures for the public to inspect or obtain copies of GSA records.

(c) The regulations promulgated in this subpart are consistent with amendments to 5 U.S.C. 552a as well as other applicable Federal laws germane to disclosure of information to the public.

(d) This subpart applies to all GSA organizations, portfolios, business lines, regional offices and components. The aforementioned units may establish additional rules due to unique program requirements; however, such rules must be consistent with these rules and have the concurrence of the GSA Administrator and GSA Chief FOIA Officer.

(e) Any internal GSA policies or procedures inconsistent with the policies and procedures promulgated in this subpart are superseded by this subpart to the extent of that inconsistency.

(f) This subpart does not entitle any person to any service or to the disclosure of any GSA records that are not required to be disclosed under the FOIA.

Subpart B–Proactive Disclosures

§ 105–60.100 Public availability of information.

Records that the FOIA requires GSA to make available for public inspection in an electronic format can be accessed through the GSA FOIA Reading Room, and the FOIA Online System. The GSA is responsible for determining which of its records must be made publicly available, for identifying additional records of interest to the public that are appropriate for public disclosure, and for posting and indexing such records. GSA shall ensure that its online FOIA Library of posted records and indices is reviewed and updated on an ongoing basis. GSA has a FOIA Requester Service Center and FOIA Public Liaison who can assist individuals in locating records particular to an agency. A list of agency FOIA Public Liaisons is available at: *http://www.foia.gov/report-makerequest.html.*

Subpart C—Requirements for Making Requests

§ 105–60.200 Making a request.

(a) To make a request for GSA records, a requester should file their request directly to the GSA FOIA Requester Service Center, the office that oversees FOIA requests for all of GSA. A request shall receive the quickest possible response if it is filed online via the FOIAonline website: (*https://foiaonline.regulations.gov/foia/action/public/home*). From FOIAonline you can submit FOIA requests to GSA and other participating FOIAonline agencies, track the status of requests, search for requests submitted by others, access previously released records, and generate agency-specific FOIA processing reports.

(b) If it is not possible for a requester to submit an electronic request via FOIAonline, there are several alternatives to submit FOIA requests to GSA: Standard Mail: GSA FOIA Requester Service Center (H1F), Room 7308, 1800 F. Street NW, Washington, DC 20405. Fax: 202–501–2727. Email: *gsa.foia@gsa.gov* (Subject: Request via Email).

(c) *Additional requirements for submitting a request to GSA include:*

(1) The requester must provide the following items of contact information:

(i) Full name with surname (Mr., Ms., Mrs., Dr., etc.);

(ii) Complete mailing address;

(iii) Telephone number.

(2) Although it is not a mandatory requirement, GSA also recommends the requester provide a personal/business email address.

(3) Requesters must provide their contact information to assist the agency in communicating with them and providing released records. These requirements apply to both electronic FOIA requests as well as those filed via standard mail.

(d) A perfected FOIA request is a FOIA request for records which adequately describes the records sought, is made in accordance with GSA's regulations, has been received by the GSA FOIA Requester Service center, and for which there is no remaining question about the payment or amount of applicable fees.

(e) Agency records are those created or received in the course of conducting agency business, including, but not limited to: Paper, electronic or other physical forms for records. These may include reports, letters, photographs, audio recordings and emails. A record must exist and be in the possession and control of the GSA before it is considered for release.

(f) GSA is not required to:

(1) Answer questions or interrogatories posed as FOIA requests;

(2) Issue opinions;

(3) Analyze and/or interpret documents for a requester;

(4) Create records;

(5) Conduct research; or

(6) Initiate investigations;

(g) A requester who is making a request for records about himself or herself must comply with the verification of identity requirements as determined by the Agency.

(h) Where a request for records pertains to another individual, a requester may receive greater access by submitting either a notarized authorization signed by that individual or a declaration made in compliance with the requirements set forth in 28 U.S.C. 1746 by that individual authorizing disclosure of the records to the requester, or by submitting proof that the individual is deceased (*e.g.,* a copy of a death certificate or an obituary). As an exercise of administrative discretion, the GSA can require a requester to supply additional information such as a ''Certification of Identity Form'' in order to sufficiently

verify the individual submitting the request and/or also verify that a particular individual has consented to disclosure.

§ 105–60.201 Description of records sought.

(a) Requesters must describe the records sought in sufficient detail to enable GSA personnel to locate them with a reasonable amount of effort. To the extent possible, requesters should include the following information in their FOIA request that may help the GSA identify the requested records the date/timeframe the requested information was created or occurred, title or name, author, recipient, subject matter of the record, case number, file designation, contract number, leasing identification number, or reference number and if known, the component of GSA housing the records.

(b) Before submitting their requests, requesters may contact the GSA FOIA Requester Service Center or GSA FOIA Public Liaison to discuss the records they seek and to receive assistance in describing the records. If after receiving a request, the GSA determines that it does not reasonably describe the records sought, GSA shall inform the requester what additional information is needed or why the request is otherwise insufficient. Requesters who are attempting to reformulate or modify such a request may discuss their request with their assigned Government Information Specialist or FOIA Public Liaison. If a request does not reasonably describe the records sought, the GSA's response to the request may be delayed.

(c) In order to efficiently respond to FOIA requests within the required twenty business day timeframe per 5 U.S.C. 552, GSA may close an unperfected request ten business days after the GSA notifies the requester of the information needed to perfect the request. If the request does not reasonably describe the records sought, it is unperfected.

(d) Requesters may specify their preferred form or format (including electronic formats) for the records they seek. GSA shall accommodate the request if the record is readily reproducible in that form or format.

Subpart D—Responding to Requests

§ 105–60.300 Responsibility for responding to requests.

(a) GSA is responsible for responding to all requests for records under the FOIA 5 U.S.C. 552. GSA is responsible for releasing records only when the requested records are generated, maintained and controlled by GSA. GSA will only release records after the appropriate exemptions, redactions, and other legal considerations have been applied per 5 U.S.C. 552 In determining which records are responsive to a request, the Agency shall include only the records in its possession as of the date that it begins its search. If any other date is used, GSA must inform the requester of that date. A record that is excluded from the requirements of the FOIA pursuant to 5 U.S.C. 552(c) is not considered responsive to a request.

(b) The GSA Administrator and GSA Chief FOIA Officer are authorized to grant or deny any requests for records that are generated, maintained and controlled by GSA.

(c) The GSA FOIA Requester Service Center is responsible for managing requests from the time the request is received until the time a response is provided to the requester.

(d) Upon receiving a request, the GSA FOIA Requester Service Center determines whether the information resides within GSA. If GSA is not the owner of the information, then the GSA FOIA Requester Service Center will make a good faith effort to redirect the requester to the appropriate record location or entity that controls the record, if known.

(e) If GSA has the records, then the FOIA Requester Service Center shall work in coordination with the appropriate GSA component to fulfill the FOIA request in compliance with 5 U.S.C. 552a.

§ 105–60.301 Consultation, referral, and coordination.

(a) When GSA is reviewing records located in response to a FOIA request, GSA shall determine whether another agency of the federal government is better able to determine if the records are releasable under the FOIA. As to any such record, the GSA shall proceed in one of the following ways:

(1) *Consultation.* When the requested records originate with GSA, but contain within them information of interest to another agency or other Federal Government office, GSA should typically consult with that other entity prior to making a release determination.

(2) *Referral.* (i) When GSA believes that a different agency or component is best able to determine whether to disclose the record, GSA should refer the responsibility for responding to the request regarding that record to that agency. Ordinarily, the agency that created the record is presumed to be the best agency to make the disclosure determination. However, if GSA and the originating agency jointly agree that GSA is in the best position to respond regarding the record, then the record may be handled as a consultation.

(ii) Whenever GSA refers any part of the responsibility for responding to a request to another agency, it must document the referral, maintain a copy of the record that it refers, and notify the requester of the referral- informing the requester of the name(s) of the agency to which the record was referred, including that agency's FOIA contact information.

(3) *Coordination.* (i) This referral procedure is not appropriate where disclosure of the identity of the agency to which the referral would be made could harm an interest protected by an applicable exemption, such as the exemptions that protect personal privacy or national security interests.

(ii) For example, if a non-law enforcement agency responding to a request for records on a living third party locates within its files records originating with a law enforcement agency, and if the existence of that law enforcement interest in the third party was not publicly known, then to disclose that law enforcement interest could cause an unwarranted invasion of the personal privacy of the third party. Similarly, if GSA locates a record that originates with an intelligence community agency, and the involvement of that agency in the matter is classified and not publicly acknowledged, then to disclose or give attribution to the involvement of that Intelligence Community agency could cause national security harms.

(iii) In such instances, in order to avoid harm to an interest protected by an applicable exemption, GSA should coordinate with the originating agency to seek its views on the disclosability of the record. The release determination for the record that is the subject of the coordination should then be conveyed to the requester by GSA.

(4) *Classified information.* (i) On receipt of any request involving classified information, GSA must determine whether the information is currently and properly classified in accordance with applicable classification rules. Whenever a request involves a record containing information that has been classified or may be appropriate for classification by another agency under any applicable executive order concerning the classification of records, GSA must refer the responsibility for responding to the request regarding this information to the agency that classified the information or that should consider the information for classification.

(ii) Whenever GSA's records contain information that has been derivatively

classified (meaning it contains information classified by another agency), GSA must refer the responsibility for responding to that portion of the request to the agency that classified the underlying information.

(b) All consultations and referrals received by GSA shall be handled according to the date the other agency received the perfected FOIA request.

(c) GSA may establish agreements with other agencies to eliminate the need for consultations or referrals with respect to particular types of records.

§ 105–60.302 Time requirements to respond to FOIA requests.

(a) Once a perfected request is received, it can begin to be processed by the GSA FOIA Requester Service Center. Pursuant to the FOIA, GSA generally has twenty (20) business days to make a determination on the request, excluding Saturdays, Sundays, and federal holidays. This time period begins when the request is received by the GSA FOIA Requester Service Center via U.S. Mail, email or facsimile.

(b) GSA shall respond to requests by order of receipt.

(c) GSA will inform the FOIA requester of GSA's decision and send the requester the responsive documents within a reasonable timeframe and or negotiated timeframe based on scope and level of effort to prepare the FOIA request response.

(d) GSA must designate a specific track for requests that are granted expedited processing, in accordance with the standards set forth in § 105–60.304 Expedited Processing of this part. GSA may also designate additional processing tracks that distinguish between simple and more complex requests based on the estimated amount of work or time needed to process the request. Among the factors GSA may consider are the number of records requested, the number of pages involved in processing the request and the need for consultations or referrals. GSA shall advise requesters of the track into which their request falls upon request, and when appropriate, offer the requester an opportunity to narrow or modify their request to ensure it is fulfilled in a timely manner.

§ 105–60.303 Unusual circumstances.

(a) Whenever GSA cannot meet the statutory time limit for processing a request because of ''unusual circumstances,'' as defined in 5 U.S.C. 552, and GSA extends the time limit on that basis, GSA must, before expiration of the 20-day period to respond, notify the requester in writing of the unusual circumstances involved and of the date by which GSA estimates the processing of the request shall be completed. Where the extension exceeds ten (10) business days, GSA must, as described by the FOIA, provide the requester with an opportunity to modify the request or arrange an alternative time period for processing the original or modified request. GSA must make available its FOIA Public Liaison for this purpose. GSA must also alert requesters to the availability of the Office of Government Information Services (OGIS) to provide dispute resolution services.

(b) To satisfy unusual circumstances under the FOIA, GSA may aggregate requests in cases where it reasonably appears that multiple requests, submitted either by a requester or by a group of requesters acting in concert, constitute a single request that would otherwise involve unusual circumstances. GSA cannot aggregate multiple requests that involve unrelated matters.

§ 105–60.304 Expedited processing.

(a) A request for expedited processing may be made at any time. In order to qualify for consideration for expedited processing, the request must reasonably describe the records sought. Expedited requests should be described in sufficient detail to facilitate expedited processing.

(b) A requester who seeks expedited processing must submit a statement, certified to be true and correct, explaining in detail the basis for making the request for expedited processing as described in (c)(1)–(3). As a matter of administrative discretion, GSA may waive the formal certification requirement.

(c) GSA may process requests and appeals on an expedited basis whenever it is determined that they involve:

(1) Circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;

(2) An urgency to inform the public about an actual or alleged Federal Government activity, if made by a person who is primarily engaged in disseminating information; or

(3) The loss of substantial due process rights; or

(4) A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence

(d) GSA must notify the requester within ten (10) calendar days of its decision receipt of a request for expedited processing of its decision whether to grant or deny expedited processing. If expedited processing is granted, the request shall be given priority, placed in the processing track for expedited requests, and processed as soon as practicable. If a request for expedited processing is denied, GSA shall act on any appeal of that decision within three business days.

Subpart E—Acknowledging the FOIA Request

§ 105–60.400 Acknowledgement procedures.

(a) GSA to the extent practicable, shall communicate with requesters electronically via the FOIAonline web portal and/or email.

(b) Upon receipt of a request, GSA shall send requesters an acknowledgement letter within two business days containing a brief description of the records sought so requesters may more easily keep track of their requests.

(c) When a request is submitted via FOIAonline, the system automatically generates a tracking number which allows for easy identification of each request. This tracking number is included in the acknowledgement letter.

(d) When GSA receives a request not directly entered by the requester into FOIAonline (*i.e.,* email, fax, standard mail, etc) the FOIA Requester Service Center shall immediately upload the request into the FOIAonline system and it shall be assigned a tracking number which shall be communicated to the requester.

(e) Upon request, GSA shall provide an estimated date by which the agency expects to provide a response to the requester. If a request involves a voluminous amount of material or searches in multiple locations, GSA may provide an interim response, meaning the agency releases the records on a rolling basis as the records are located and verified.

§ 105–60.500 Applying FOIA exemptions.

(a) 5 U.S.C. 552(b)(1)–(9) of the Freedom of Information Act provides that the disclosure requirements of the FOIA do not apply to matters that are:

(1) Specifically authorized under the criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such executive order (see Executive Order No. 13,526);

(2) Related solely to the internal personnel rules and practices of an agency; and

(3) Specifically exempted from disclosure by statute other than 5 U.S.C. 552(b)(1)–(9), provided that such statute:

(i) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue;

(ii) Establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(iii) Trade secrets and commercial or financial information which could harm the competitive posture or business interests of a company;

(iv) Interagency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency, provided that the deliberative process privilege shall not apply to records created 25 years or more before the date on which the records were requested;

(v) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; or

(vi) Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information:

(A) Could reasonably be expected to interfere with enforcement proceedings;

(B) Would deprive a person of a right to a fair trial or an impartial adjudication;

(C) Could reasonably be expected to constitute an unwarranted invasion of personal privacy;

(D) Reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source;

(E) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or

(F) Could reasonably be expected to endanger the life or physical safety of any individual;

(G) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(H) Geological and geophysical information and data, including maps, concerning wells.

(b) GSA will provide any reasonably segregable portion of a record to a requester after redacting the portions of the requested records that are exempt under this section.

Subpart G—Final Responses to the FOIA Request

§ 105–60.600 Final response procedures and rules.

(a) Once GSA determines that it shall grant a request in full or in part, the requester shall be notified of the decision in writing. GSA shall also inform the requester of any fees charged under § 105–60.904 Fee Schedule of this part and must disclose the requested records to the requester promptly upon payment of any applicable fees. The agency must inform the requester of the availability of its FOIA Public Liaison to offer assistance.

(b) If GSA makes an adverse determination denying any part of the request, it shall notify the requester of that determination in writing. Adverse determinations, or denials of requests, include decisions that:

(1) The requested record is exempt, in whole or in part;

(2) The request does not reasonably describe the records sought;

(3) The information requested is not a record subject to the FOIA;

(4) The requested record does not exist, cannot be located, or has been destroyed; or

(5) The requested record is not readily reproducible in the form or format sought by the requester.

(c) Records disclosed in part shall be marked clearly to show the amount of information deleted and the exemption under which the deletion was made unless doing so would harm an interest protected by an applicable exemption. The location of the information deleted shall also be indicated on the record, if technically feasible.

(d) Adverse determinations also include denials involving fees waiver requests, denials for expedited processing or closure of requests due to nonpayment.

(e) The denial, in full or in part, must be signed by the Chief FOIA Officer or designee and shall include:

(1) The name and title or position of the person responsible for the denial;

(2) A brief statement of the reasons for the denial, including any FOIA exemption applied by the GSA in denying the request;

(3) An estimate of the volume of any records or information withheld, such as the number of pages or some other reasonable form of estimation, although such an estimate is not required if the volume is otherwise indicated by deletions marked on records that are disclosed in part or if providing an estimate would harm an interest protected by an applicable exemption; and

(4) A statement that the denial may be appealed under Subpart I—Appeals of this part, and a description of the appeal requirements.

(5) A statement notifying the requester of the assistance available from the agency's FOIA Public Liaison and the dispute resolution services offered by OGIS.

(f) Use of record exclusions:

(1) In the event that GSA identifies records that may be subject to exclusion from the requirements of the FOIA pursuant to 5 U.S.C. 552(c), GSA must confer with Department of Justice, Office of Information Policy (OIP), to obtain approval to apply the exclusion.

(2) If GSA invokes an exclusion, it must maintain an administrative record of the process of invocation and approval of the exclusion by OIP.

Subpart H—Handling Confidential Commercial Information

§ 105–60.700 Procedural and lawful considerations.

(a) Confidential commercial information means commercial or financial information obtained by the GSA from a submitter that may be protected from disclosure under Exemption 4 of the FOIA, 5 U.S.C. 552(b)(4).

(b) Submitter means any person or entity, including a corporation, State, or foreign government, but not including another Federal Government entity, that provides confidential commercial information, either directly or indirectly to the Federal Government.

(c) A submitter of confidential commercial information must use good faith efforts to designate by appropriate markings/or redact any portion of its submission that it considers to be protected from disclosure under Exemption 4. These designations expire 10 years after the date of the submission unless the submitter requests and provides justification for a longer designation period.

(d) *When notice to submitters is required.* (1) GSA must promptly provide written notice to the submitter of confidential commercial information whenever records containing such information are requested under the FOIA if GSA determines that it may be required to disclose the records, provided:

(i) The requested information has been designated in good faith by the submitter as information considered protected from disclosure under Exemption 4; or

(ii) GSA has a reason to believe that the requested information may be protected from disclosure under Exemption 4, but has not yet determined whether the information is protected from disclosure.

(2) The notice shall either describe the commercial information requested or include a copy of the requested records or portions of records containing the information. In cases involving a voluminous number of submitters, GSA may post or publish a notice in a place or manner reasonably likely to inform the submitters of the proposed disclosure, instead of sending individual notifications.

(e) The notice requirements of this section do not apply if:

(1) GSA determines that the information is exempt under the FOIA, and therefore shall not be disclosed;

(2) The information has been lawfully published or has been officially made available to the public;

(3) Disclosure of the information is required by a statute other than the FOIA or by a regulation issued in accordance with the requirements of Executive Order 12,600 of June 23, 1987; or

(4) The designation made by the submitter under paragraph (c) of this section appears obviously frivolous. In such a case, GSA shall give the submitter written notice of any final decision to disclose the information within reasonable time prior to a specified disclosure date.

§ 105–60.701 Opportunity to object to disclosure.

(a) GSA shall provide a submitter with ten business days, within which the submitter must respond to the notice referenced above.

(b) If a submitter has any objections to disclosure, it should provide GSA a detailed written statement that specifies all grounds for withholding the particular information under any exemption of the FOIA. In order to rely on Exemption 4 as the basis for nondisclosure, the submitter must explain why the information constitutes a trade secret or commercial or financial information that is privileged or confidential.

(c) A submitter who fails to respond within the time period specified in the notice shall be considered to have no objection to disclosure of the information.

(d) GSA is not required to consider any information received after the date of any disclosure decision. Any information provided by a submitter under this subpart may itself be subject to disclosure under the FOIA.

(e) GSA must consider a submitter's objections and specific grounds for nondisclosure in deciding whether to disclose the requested information.

(f) Whenever GSA decides to disclose information over the objection of a submitter, the agency must provide the submitter written notice, which must include:

(1) A statement of the reasons why each of the submitter's disclosure objections was not sustained;

(2) A description of the information to be disclosed or copies of the records as the agency intends to release them; and

(3) The specified disclosure date.

(g) Whenever a requester files a lawsuit seeking to compel the disclosure of confidential commercial information, GSA must promptly notify the submitter.

(h) GSA must notify the requester whenever it provides the submitter with notice and an opportunity to object to disclosure; whenever it notifies the submitter of its intent to disclose the requested information; and whenever a submitter files a lawsuit to prevent the disclosure of the information.

Subpart I—Appeals

§ 105–60.800 Submitting an appeal.

(a) Before seeking review by a court of an adverse GSA FOIA request determination, a requester must first submit a timely administrative appeal per the rules of this subpart.

(b) A requester may appeal any adverse determinations to the GSA FOIA Requester Service Center which is designated as the agency's FOIA Appeals Office. Examples of adverse determinations are provided in §§ 105–60.600(b) and (d) of this part. Requesters can submit appeals in accordance with the following requirements:

(1) The requester must submit the appeal in writing and to be considered timely it must be postmarked, or in the case of electronic submissions, transmitted, within ninety calendar days after the date of the response;

(2) The appeal must contain the basis for disagreement with the initial denial, *i.e.,* the appeal should clearly identify the agency determination that is being appealed;

(3) The appeal must include the associated FOIAonline tracking number; and

(4) To facilitate handling, the requester should mark both the appeal letter and envelope, or subject line of the electronic transmission, ''Freedom of Information Act Appeal.''

§ 105–60.801 Adjudication.

(a) The GSA Chief FOIA Officer or a designee shall act on behalf of the GSA on all appeals under this section.

(b) An appeal ordinarily shall not be adjudicated if the request becomes a matter of FOIA litigation.

(c) On receipt of any appeal involving classified information, the GSA must take appropriate action to ensure compliance with applicable classification rules.

(d) GSA must provide its decision on an appeal in writing. A decision that upholds GSA's original determination in whole or in part must contain a statement that identifies the reasons for the affirmance, including any FOIA exemptions applied.

(e) The decision must provide the requester with notification of the statutory right to file a lawsuit and shall inform the requester of the mediation services offered by the Office of Government Information Services of the National Archives and Records Administration as a non-exclusive alternative to litigation. If GSA's decision is remanded or modified on appeal, GSA shall notify the requester of that determination in writing. GSA shall then further process the request in accordance with that appeal determination and shall respond directly to the requester.

(f) Engaging in dispute resolution services provided by OGIS. Mediation is a voluntary process. If GSA agrees to participate in the mediation services provided by OGIS, it will actively engage as a partner to the process in an attempt to resolve the dispute.

§ 105–60.802 Requirements to preserve FOIA records.

(a) GSA must preserve all correspondence pertaining to the requests that it receives under this subpart, as well as copies of all requested records, until disposition or destruction is authorized pursuant to title 44 of the United States Code (U.S.C) or the General Records Schedule 14 of the National Archives and Records Administration (NARA). GSA must not dispose of or destroy records while they are the subject of a pending request, appeal, or lawsuit under the FOIA.

Subpart J—Fees

§ 105–60.900 General provisions.

(a) GSA shall charge for processing requests under the FOIA in accordance with the provisions of this section and with OMB Guidelines. For purposes of assessing fees, the FOIA establishes three categories of requesters:

(1) Commercial use requesters;

(2) Non-commercial scientific or educational institutions or news media requesters; and

(3) All other requesters.

(b) Different fees are assessed depending on the category. Requesters may seek a fee waiver. GSA must consider requests for fee waiver in accordance with the requirements in § 105–60.907 Fee Waivers and Fee Reductions of this subpart. To resolve any fee issues that arise under this section, GSA may contact a requester for additional information. GSA must ensure that searches, review, and duplication are conducted in the most efficient and the least expensive manner.

(c) GSA shall collect all applicable fees before sending copies of records to a requester. Requesters must pay fees by check, credit card, or money order made payable to the United States General Services Administration, or by another method as determined by GSA.

§ 105–60.901 Definitions.

(a) Commercial use request is a request that asks for information for use or purpose that furthers a commercial, trade, or profit interest, which can include furthering those interests through litigation. GSA's decision to place a requester in the commercial use category shall be made on a case-by-case basis and is based on the requester's intended use of the information. GSA shall notify requesters of their placement in this category.

(b) Direct costs are those expenses that GSA incurs in searching for and duplicating (and, in the case of commercial use requests, reviewing) records in order to respond to a FOIA request. For example, direct costs include the salary of the employee performing the work (*i.e.,* the basic rate of pay for the employee, plus sixteen (16) percent of that rate to cover benefits) and the cost of operating computers and other electronic equipment, such as photocopiers and scanners. Direct costs do not include overhead expenses such as the costs of space or the heating or lighting of a facility.

(c) Duplication is reproducing a copy of a record, or of the information contained in it, necessary to respond to a FOIA request. Copies here can take the form of paper, audiovisual materials, or electronic records.

(d) Educational institution is any school that operates a program of scholarly research. A requester in this fee category must show that the request is made in connection with his or her role at the educational institution. Agencies may seek verification from the requester that the request is in furtherance of scholarly research. The examples below serve to further clarify:

(1) *Example 1.* A request from a professor of geology at a university for records relating to soil erosion, written on letterhead of the Department of Geology, would be presumed to be from an educational institution.

(2) *Example 2.* A request from the same professor of geology seeking drug information from the Food and Drug Administration in furtherance of a murder mystery he is writing would not be presumed to be an institutional request, regardless of whether it was written on institutional stationery.

(3) *Example 3.* A student who makes a request in furtherance of their coursework or other school-sponsored activities and provides a copy of a course syllabus or other reasonable documentation to indicate the research purpose for the request, would qualify as part of this fee category.

(e) Noncommercial scientific institution is an institution that is not operated on a ''commercial'' basis, as defined in paragraph (b)(1) of this section and that is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry. A requester in this category must show that the request is authorized by and is made under the auspices of a qualifying institution and that the records are sought to further scientific research and are not for a commercial use. GSA shall advise requesters of their placement in this category.

(f) Representative of the news media is any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. The term ''news'' means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations that broadcast ''news'' to the public at large and publishers of periodicals that disseminate ''news'' and make their products available through a variety of means to the general public, including news organizations that disseminate solely on the internet. A request for records supporting the news-dissemination function of the requester shall not be considered to be for a commercial use. ''Freelance'' journalists who demonstrate a solid basis for expecting publication through a news media entity shall be considered as a representative of the news media. A publishing contract would provide the clearest evidence that publication is expected; however, GSA can also consider a requester's past publication record in making this determination. GSA shall advise requesters of their placement in this category.

(g) Review is the examination of a record located in response to a request in order to determine whether any portion of it is exempt from disclosure. Review time includes the process of reviewing each individual record for possible redactions and marking the appropriate exemptions. Review costs are properly charged even if a record ultimately is not disclosed. Review time also includes time spent both obtaining and considering any formal objection to disclosure made by a confidential commercial information submitter under § 105–60.701—Opportunity to Object to Disclosure of this part. It does not include time spent resolving general legal or policy issues regarding the application of exemptions.

(h) Search is the process of looking for and retrieving records or information responsive to a request. Search time includes page-by-page or line-by-line identification of information within records and the reasonable efforts expended to locate and retrieve information from electronic records.

§ 105–60.902 Fees to be charged.

In responding to FOIA requests, GSA shall charge the following fees unless a waiver or reduction of fees has been granted under § 105–60.907 Fee Waivers and Fee Reductions of this subpart. Because the fee amounts provided below already account for the direct costs associated with a given fee type, GSA shall not add any additional costs to charges calculated under this section.

(a) *Search fees.* (1) Requests made by educational institutions, noncommercial scientific institutions, or representatives of the news media are not subject to search fees. GSA shall charge search fees for all other requesters, subject to the rules and restrictions enumerated in this subpart. GSA may properly charge for time spent searching even if the GSA FOIA Requester Service Center does not locate any responsive records or if they determine that the records are entirely exempt from disclosure.

(2) For each half hour (30 minutes) spent by GSA personnel searching for requested records, including electronic searches that do not require new programming, a $24.50 fee shall be assessed per the guidelines of the fee schedule enumerated in § 105–60.904 Fee Schedule of this subpart.

(3) GSA shall charge the direct costs associated with conducting any search

that requires the creation of a new computer program to locate the requested records. GSA must notify the requester of the costs associated with creating such a program, and the requester must agree to pay the associated costs before the costs may be incurred.

(4) For requests that require the retrieval of records stored by GSA at a Federal records center operated by the National Archives and Records Administration (NARA), GSA shall charge additional costs in accordance with the Transactional Billing Rate Schedule established by NARA.

(b) *Duplication fees.* (1) GSA shall charge duplication fees to all requesters, subject to the restrictions of § 105–60.903 Restrictions on charging fees of this subpart. GSA must honor a requester's preference for receiving a record in a particular form or format where the agency can readily reproduce it in the form or format requested. Where photocopies are supplied, GSA shall provide one copy per request at the cost of $0.10 per copy. For copies of records produced on tapes, disks, or other media, GSA shall charge the direct costs of producing the copy, including operator time.

(2) Where paper documents must be scanned in order to comply with a requester's preference to receive the records in an electronic format, the requester must also pay the direct costs associated with scanning those materials. For other forms of duplication, GSA shall charge the direct costs.

(3) GSA determines the standard fee for duplication of records as follows:

(i) Per copy of each page (not larger than 8.5 x 14 inches) reproduced by photocopy or similar means (includes costs of personnel and equipment)—U.S. $0.10.

(ii) Per copy prepared by any other method of duplication—actual direct cost of production.

(c) *Review fees.* GSA shall charge review fees to requesters who make commercial use requests. Review fees shall be assessed based upon the initial review of the record (*i.e.,* the review conducted by GSA to determine whether an exemption applies to a particular record or portion of a record). No charge shall be made for review during the administrative appeal stage of exemptions applied at the initial review stage. However, if a particular exemption is deemed to no longer apply, any costs associated with GSA or another agency's secondary review of the records in order to consider the use of other exemptions may be assessed as review fees. Review fees shall be charged at the same rates as those enumerated in the fee schedule of this section.

§ 105–60.903 Restrictions on charging fees.

(a) When GSA determines that a requester is an educational institution, non-commercial scientific institution or representative of the news media, and the records are not sought for commercial use, GSA shall not charge search fees.

(b) If GSA fails to comply with the time limits in which to respond to a request for agency records under FOIA, it will not charge search fees, or in the instances of requests from requesters described in (a) of this section, may not charge duplication fees, except as described in paragraphs (b)(1) through (3) below. GSA will charge duplication fees in accordance with §§ 105–60.902 (b)(1) through (3) of this part.

(1) If GSA has determined that unusual circumstances as defined by the FOIA apply and the agency provided timely written notice to the requester in accordance with the FOIA, a failure to comply with the time limit shall be excused for an additional 10 days.

(2) If GSA has determined that unusual circumstances, as defined by the FOIA, apply and more than 5,000 pages are necessary to respond to the request, GSA may charge search fees, or, in the case of requesters described in paragraph (d)(1) of this section, may charge duplication fees, if the following steps are taken. GSA must have provided timely written notice of unusual circumstances to the requester in accordance with the FOIA and GSA must have discussed with the requester via written mail, email, or telephone (or made not less than three good-faith attempts to do so) how the requester could effectively limit the scope of the request in accordance with 5. U.S.C. 552(a)(6)(B)(ii). If this exception is satisfied, the component may charge all applicable fees incurred in the processing of the request.

(3) If a court has determined that exceptional circumstances exist, as defined by the FOIA, a failure to comply with the time limits shall be excused for the length of time provided by the court order.

(c) No search or review fees shall be charged for a half hour period unless more than half of that period is required for search or review.

(d) Except for requesters seeking records for a commercial use, GSA must provide without charge:

(1) The first 100 pages of duplication (or the cost equivalent for other media); and

(2) The first two (2) hours of search time.

(e) No fee shall be charged when the total fee, after deducting the 100 free pages (or its cost equivalent) and the first two hours of search, is equal to or less than $49.00.

§ 105–60.904 Fee schedule.

Table 1—Fee Requester Category Table outlines the basic fee categories and applicable fees:

(A) TABLE 1—FEE REQUESTER CATEGORY TABLE

Requester category	Search fees	Review fees	Duplication fees	Amount
Commercial use requester.	Yes	Yes	Yes, first 100 pages, or equivalent volume without charge. Then, U.S. $0.10. per copy of each page (not larger than 8.5 x 14 inches) reproduced by photocopy or similar means (includes costs of personnel and equipment)—OR, per copy prepared by any other method of duplication—actual direct cost of production.	$49.00/hour plus applicable duplication costs.
Educational and noncommercial scientific institutions.	No	No	Yes, first 100 pages, or equivalent volume without charge. Then, U.S. $0.10. per copy of each page (not larger than 8.5 x 14 inches) reproduced by photocopy or similar means (includes costs of personnel and equipment)—OR, per copy prepared by any other method of duplication—actual direct cost of production.	Eligible requesters not subject to fees other than duplication costs.
Representative of news media.	No	No	Yes, first 100 pages, or equivalent volume without charge. Then, U.S. $0.10. per copy of each page (not larger than 8.5 x 14 inches) reproduced by photocopy or similar means (includes costs of personnel and equipment)—OR, per copy prepared by any other method of duplication—actual direct cost of production.	Eligible requesters not subject to fees other than duplication costs.

(A) TABLE 1—FEE REQUESTER CATEGORY TABLE—Continued

Requester category	Search fees	Review fees	Duplication fees	Amount
All other requesters	Yes (first two hours without charge).	No	Yes, first 100 pages, or equivalent volume without charge. Then, U.S. $0.10. per copy of each page (not larger than 8.5 x 14 inches) reproduced by photocopy or similar means (includes costs of personnel and equipment)—OR, per copy prepared by any other method of duplication—actual direct cost of production.	$49.00/hour plus applicable duplication costs

Note 1: GSA's calculated hourly rate for manual search, computer operator/programmer time, and employee time spent reviewing records is set at a flat rate of 49.00 per hour. GSA charges for these FOIA services by the hour at $49.00 and half hour at $24.50.

Note 2: The fee schedule of this section does not apply to fees charged under any statute that specifically requires GSA to set and collect fees for particular types of records. In instances where records responsive to a request are subject to a statutorily-based fee schedule program, GSA must inform the requester of the contact information for that program.

Note 3: If GSA utilizes a contractor or agency personnel outside of the FOIA Requester Service Center to perform any services described in this subpart, the standard fee is based on the equivalent hourly rates.

§ 105–60.905 Anticipated fees.

(a) When GSA determines or estimates that the fees to be assessed in accordance with this section shall exceed $49.00, the Agency shall notify the requester of the actual or estimated amount of the fees, including a breakdown of the fees for search, review or duplication, unless the requester has indicated a willingness to pay fees as high as those anticipated via writing. If only a portion of the fee can be estimated readily, GSA shall advise the requester accordingly. If the request is not for noncommercial use, the notice shall specify that the requester is entitled to the statutory entitlements of 100 pages of duplication at no charge and, if the requester is charged search fees, two (2) hours of search time at no charge, and shall advise the requester whether those entitlements have been provided.

(b) If the GSA notifies the requester that the actual or estimated fees are in excess of $49.00, the request shall not be considered received and further work shall not be completed until the requester commits in writing to pay the actual or estimated total fee, or designates some amount of fees the requester is willing to pay. Or in the case of a noncommercial use requester who has not yet been provided with the requester's statutory entitlements, designates that the requester seeks only that which can be provided by the statutory entitlements. The requester must provide the commitment/or designate an exact dollar amount in writing the requester is willing to pay. GSA is not required to accept payments in installments.

(c) If the requester has indicated a willingness to pay some designated amount of fees, but the agency estimates that the total fee shall exceed that amount, GSA shall toll the processing of the request when it notifies the requester of the estimated fees in excess of the amount the requester has indicated a willingness to pay. GSA shall inquire whether the requester wishes to revise the amount of fees the requester is willing to pay or modify the request. Once the requester submits the new estimated fee, the time to respond shall resume from where it was at the date of the notification.

(d) GSA's FOIA Public Liaison and other FOIA professionals shall be available to assist any requester in reformulating a request to meet the requester's needs at a lower cost.

(e) If the total fees due are over $250.00, the processing of the request shall stop until the requester pays the fees. Once the materials are ready for response, the GSA FOIA Requester Service Center must receive payment prior to releasing the response to the requester.

(f) Although not required to provide special services, if GSA chooses to do so as a matter of administrative discretion, the direct costs of providing the service shall be charged. Examples of such services include certifying that records are true copies, providing multiple copies of the same document, or sending records by means other than first class mail.

(g) GSA may charge interest on any unpaid bill starting on the 31st day following the date the requester is first billed. Interest charges shall be assessed at the rate provided in 31 U.S.C. 3717 and shall accrue from the billing date until payment is received by the agency. GSA must follow the provisions of the Debt Collection Act of 1982 (Pub. L. 97–365, 96 Stat. 1749), as amended, and its administrative procedures, including the use of consumer reporting agencies, collection agencies, and offset.

(h) When GSA reasonably believes that a requester or a group of requesters acting in concert are attempting to divide a single request into a series of requests for the purpose of avoiding fees, GSA may aggregate those requests and charge accordingly. GSA may presume that multiple requests of this type made within a thirty (30) day period have been made in order to avoid fees. For requests separated by a longer period, GSA shall aggregate them only where there is a reasonable basis for determining that aggregation is warranted in view of all the circumstances involved. Multiple requests involving unrelated matters cannot be aggregated.

§ 105–60.906 Advanced payments.

(a) For requests other than those described in this subpart, GSA cannot require the requester to make an advance payment before work is commenced or continued on a request. Payment owed for work already completed (*i.e.,* payment before copies are sent to a requester) is not an advance payment.

(b) When GSA determines or estimates that a total fee to be charged under this section shall exceed $250.00, it may require that the requester make an advance payment up to the amount of the entire anticipated fee before beginning to process the request. GSA may elect to process the request prior to collecting fees when it receives a satisfactory assurance of full payment from a requester with a history of prompt payment.

(c) Where a requester has previously failed to pay a properly charged FOIA fee to GSA within 30 calendar days of the billing date, GSA may require that the delinquent requester pay the full amount due, plus any applicable interest on that prior request, and require that the requester make an advance payment of the full amount of any anticipated fee before the agency begins to process a new request or continues to process a pending request or any pending appeal. If GSA has a reasonable basis to believe that a requester has misrepresented the requester's identity in order to avoid paying outstanding fees, it may require that the requester provide proof of identity.

(d) In cases in which GSA requires advance payment, the request shall not be considered received and further work shall not be completed until the required payment is received. If the requester does not pay the advance payment within 10 business days after the date of the GSA's fee determination, the request shall be closed.

§ 105–60.907 Fee waivers and fee reductions.

(a) Requests for a fee waiver shall be made when the request is first submitted to the agency and should address the criteria referenced above. A requester may submit a fee waiver request at a later time so long as the underlying record request is pending or on administrative appeal. When a requester who has committed to pay fees subsequently asks for a waiver of those fees and that waiver is denied, the requester must pay any costs incurred up to the date the fee waiver request was received.

(b) Requirements for waiver or reduction of fees:

(1) Requesters may seek a waiver of fees by submitting a written rationale as to how disclosure of the requested information is in the public interest because, it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester; and

(2) GSA shall furnish records responsive to a request without charge or at a reduced rate when it determines, based on all available information, that the factors described in paragraphs (b)(2)(i) through (iii) of this section are satisfied:

(i) Disclosure of the requested information would shed light on the operations or activities of the government. The subject of the request must concern identifiable operations or activities of the Federal Government with a connection that is direct and clear, not remote or attenuated; and

(ii) Disclosure of the requested information is likely to contribute significantly to public understanding of those operations or activities. This factor is satisfied when the following criteria are met; and

(A) Disclosure of the requested records must be meaningfully informative about government operations or activities. The disclosure of information that already is in the public domain, in either the same or a substantially identical form, would not be meaningfully informative if nothing new would be added to the public's understanding.

(B) The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester. A requester's expertise in the subject area as well as the requester's ability and intention to effectively convey information to the public must be considered. GSA shall presume that a representative of the news media shall satisfy this consideration;

(iii) The disclosure must not be primarily in the commercial interest of the requester. To determine whether disclosure of the requested information is primarily in the commercial interest of the requester, GSA shall consider the following criteria:

(A) GSA must identify whether the requester has any commercial interest that would be furthered by the requested disclosure. A commercial interest includes any commercial, trade, or profit interest. Requesters must be given an opportunity to provide explanatory information regarding this consideration.

(B) If there is an identified commercial interest, GSA must determine whether that is the primary interest furthered by the request. A waiver or reduction of fees is justified when the requirements of paragraphs (b)(2)(i) and (ii) of this section are satisfied and any commercial interest is not the primary interest furthered by the request. GSA ordinarily shall presume that when a news media requester has satisfied factors (b)(1) and (2) of this section, the request is not primarily in the commercial interest of the requester. Disclosure to data brokers or others who merely compile and market government information for direct economic return shall not be presumed to primarily serve the public interest.

(c) Where only some of the records to be released satisfy the requirements for a fee waiver, a waiver shall be granted for those records.

Subpart K—Other Rights and Services

§ 105–60.1000 Coda.

Nothing in this subpart shall be construed to entitle any person, as of right, to any service or to the disclosure of any record to which such person is not entitled under the FOIA.

Subpart L—Definitions

§ 105–60.1100 Definitions.

Agency records are those created or received in the course of conducting agency business, including, but not limited to: Paper, electronic or other physical forms for records. These may include reports, letters, photographs, audio recordings and emails. A record must exist and be in the possession and control of the GSA before it is considered for release.

Commercial use request. A request that asks for information for a use or a purpose that furthers a commercial, trade, or profit interest, which can include furthering those interests through litigation. GSA's decision to place a requester in the commercial use category shall be made on a case-by-case basis based on the requester's intended use of the information. GSA shall notify requesters of their placement in this category.

Complex Request. A FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.

Confidential commercial information. Commercial or financial information obtained by the GSA from a submitter that may be protected from disclosure under Exemption 4 of the FOIA, 5 U.S.C. 552(b)(4).

Consultation. When the requested records originate with the agency processing the request, but contain within them information of interest to another agency or other Federal Government office, the agency processing the request should typically consult with that other entity prior to making a release determination.

Coordination. This referral procedure is not appropriate where disclosure of the identity of the agency to which the referral would be made could harm an interest protected by an applicable exemption, such as the exemptions that protect personal privacy or national security interests.

Direct costs are those expenses that GSA incurs in searching for and duplicating (and, in the case of commercial use requests, reviewing) records in order to respond to a FOIA request. For example, direct costs include the salary of the employee performing the work (*i.e.,* the basic rate of pay for the employee, plus sixteen (16) percent of that rate to cover benefits) and the cost of operating computers and other electronic equipment, such as photocopiers and scanners. Direct costs do not include overhead expenses such as the costs of space or the heating or lighting of a facility.

Duplication. Reproducing a copy of a record, or of the information contained in it, necessary to respond to a FOIA request. Copies here can take the form of paper, audiovisual materials, or electronic records.

Duplication Fees. Reasonable direct costs of making copies of documents. Copies can take various forms, including paper copies, microforms or machine-readable documentation.

Educational institution. Any school that operates a program of scholarly research. A requester in this fee category must show that the request is made in connection with his or her role at the educational institution. Agencies may

seek verification from the requester that the request is in furtherance of scholarly research.

Exempt means the record in question, or a portion thereof, is not subject to disclosure due to one or more of the nine statutory FOIA exemptions, found at 5 U.S.C. 552(b)(1) through (9).

Exemption refers to one or more of the FOIA's nine statutory exemptions, found at 5 U.S.C. 552(b)(1) through (9).

FOIA Requester Service Center is the office that oversees FOIA requests for all of GSA.

Interim response is when the agency releases the records on a rolling basis, as the records are located and verified.

Noncommercial scientific institution is an institution that is not operated on a ''commercial'' basis, as defined in this section and that is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry. A requester in this category must show that the request is authorized by and is made under the auspices of a qualifying institution and that the records are sought to further scientific research and are not for a commercial use. GSA shall advise requesters of their placement in this category.

Perfected FOIA Request. A perfected FOIA request is a FOIA request for records which adequately describes the records sought, is made in accordance with GSA's regulations, which has been received by the GSA FOIA Requester Service center the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment or amount of applicable fees.

Referral. When an agency locates a record that originated with, or is of otherwise primary interest to another agency, it will forward that record to the other agency to process the record and to provide the final determination directly to the requester. This process is called a ''referral.''

Representative of the news media. Any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work and distributes that work to an audience. The term ''news'' means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations that broadcast ''news'' to the public at large and publishers of periodicals that disseminate ''news'' and make their products available through a variety of means to the general public, including news organizations that disseminate solely on the internet. A request for records supporting the news-dissemination function of the requester shall not be considered to be for a commercial use. ''Freelance'' journalists who demonstrate a solid basis for expecting publication through a news media entity shall be considered as a representative of the news media. A publishing contract would provide the clearest evidence that publication is expected; however, GSA can also consider a requester's past publication record in making this determination. GSA shall advise requesters of their placement in this category.

Review. Examination of a record located in response to a request in order to determine whether any portion of it is exempt from disclosure. Review time includes processing any record for disclosure, such as doing all that is necessary to prepare the record for disclosure, including the process of redacting the record and marking the appropriate exemptions. Review costs are properly charged even if a record ultimately is not disclosed. Review time also includes time spent both obtaining and considering any formal objection to disclosure made by a confidential commercial information submitter under § 7 of this subpart, but it does not include time spent resolving general legal or policy issues regarding the application of exemptions.

Review Fees. Costs which may be charged to commercial-use requesters that consist of direct costs incurred during the initial examination of a document for the purposes of determining whether the records must be disclosed under the FOIA. Review time includes processing the documents for disclosure.

Search. The process of looking for and retrieving records or information responsive to a request. Search time includes page-by-page/or line-by-line identification of information within records and the reasonable efforts expended to locate and retrieve information from electronic records.

Search Fees. Charges for document ''search'' that include all the time spent looking for responsive material, including page-by-page or line-by-line identification of material within documents. GSA may charge for search time even when it fails to locate records responsive to request or even if the records located are subsequently determined to be exempt from disclosure.

Simple request. A FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.

Submitter means any person or entity, including a corporation, State, or foreign government, but not including another Federal Government entity, that provides confidential commercial information, either directly or indirectly to the Federal Government.

[FR Doc. 2018–13105 Filed 6–19–18; 8:45 am]

BILLING CODE 6820–FM–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 412, 413, 424, and 495

[CMS–1694–CN]

RIN–0938–AT27

Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and Proposed Policy Changes and Fiscal Year 2019 Rates; Proposed Quality Reporting Requirements for Specific Providers; Proposed Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs (Promoting Interoperability Programs) Requirements for Eligible Hospitals, Critical Access Hospitals, and Eligible Professionals; Medicare Cost Reporting Requirements; and Physician Certification and Recertification of Claims; Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects technical and typographical errors in the proposed rule that appeared in the May 7, 2018 issue of the **Federal Register** titled ''Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and Proposed Policy Changes and Fiscal Year 2019 Rates; Proposed Quality Reporting Requirements for Specific Providers; Proposed Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs (Promoting Interoperability Programs) Requirements for Eligible Hospitals, Critical Access Hospitals, and Eligible Professionals; Medicare Cost Reporting Requirements; and Physician Certification and Recertification of Claims''.

DATES: June 20, 2018.

FOR FURTHER INFORMATION CONTACT: James Poyer (410) 786–2261.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2018–08705 of May 7, 2018 (83 FR 20164) there were a number of technical and typographical errors that are identified and corrected by the Correction of Errors section of this correcting document.

II. Summary of Errors in the Preamble

On page 20165, in the **FOR FURTHER INFORMATION CONTACT** section, we inadvertently omitted the contact for the Medicaid Promoting Interoperability Program.

On pages 20384, 20385, and 20401, we made errors that describe the notice announcing the extension of changes to the payment adjustment for low-volume hospitals and the Medicare-dependent hospital (MDH) program for fiscal year (FY) 2018 (CMS–1677–N) as appearing in the May 7, 2018 issue of the **Federal Register** in which the proposed rule appeared. This notice appeared in the April 26, 2018 issue of the **Federal Register** (83 FR 18301).

On pages 20483, 20484, and 20492, in our discussion of the Hospital Inpatient Quality Reporting (IQR) Program, we made technical and typographical errors in two website links and in referencing the payment determination year corresponding with the CY 2020 reporting period.

On page 20533, in our discussion of the proposed new measure for the Promoting Interoperability Programs, Support Electronic Referral Loops by Receiving and Incorporating Health Information, we made a technical error in our citation to the CEHRT capabilities and standards that eligible hospitals and CAHs must use. We erroneously cited 45 CFR 170.315(g)(1) and (2) instead of 45 CFR 170.315(b)(1) and (2).

On page 20557, in our discussion of the information collection requirements for the Hospital IQR Program, we made a technical error by referring to an outdated name of a form in our description of burden estimates for proposed removal of two structural measures.

On page 20563, in our discussion of the information collection burden estimates for the Promoting Interoperability Programs, we made a technical error by incorrectly referring to Title 45 instead of Title 42 of the Code of Federal Regulations (CFR) when describing proposed amendments to the prior approval policy applicable in the Medicaid Promoting Interoperability Program.

III. Correction of Errors in the Preamble

In FR Doc. 2018–08705 of May 7, 2018 (83 FR 20164), we are making the following corrections:

1. On page 20165, first column, after the second full paragraph, the text is corrected by adding the following:
''David Koppel, (214) 767–4403, Medicaid Promoting Interoperability Program Related Issues.''

2. On page 20384, lower half of the page—

a. Second column, last paragraph, lines 27 and 28, the phrase ''elsewhere in this issue of the **Federal Register**'' is corrected to read ''in a separate issue of the **Federal Register**''.

b. Third column, last paragraph, lines 11 and 12, the phrase ''elsewhere in this issue of the **Federal Register**'' is corrected to read ''in a separate issue of the **Federal Register**''.

3. On page 20385, first partial paragraph, lines 5 and 6, the phrase ''elsewhere in this issue of the **Federal Register**'' is corrected to read ''in a separate issue of the **Federal Register**''.

4. On page 20401, third column, second full paragraph, lines 15 and 16, the phrase ''elsewhere in this issue of the **Federal Register**'' is corrected to read ''in a separate issue of the **Federal Register**''.

5. On page 20483, first column, second footnoted paragraph (footnote 286), lines 1 through 4, the URL ''*http://www.strokassociation.org/STROKEORG/AboutStroke/Impact-of-Stroke-Stroke-statistics_UCM_310728_Article.jsp#.WtDzy42Wzg9.*'' is corrected to read ''*http://www.strokeassociation.org/STROKEORG/AboutStroke/Impact-of-Stroke-Stroke-statistics_UCM_310728_Article.jsp#.WtDzy42Wzg9.*''.

6. On page 20484, top half of the page, first column, second partial paragraph, line 11, the phrase ''CY 2020 reporting period/FY 2021 payment determination'' is corrected to read ''CY 2020 reporting period/FY 2022 payment determination''.

7. On page 20492, lower third of the page, third column, first partial paragraph, the URL ''*http://cms.gov/Medicare/Quality-Initiatives-Patient-Assessment-Instruments/Hospital QualityInits/Measure-Methodology.html.*'' is corrected to read ''*https://www.cms.gov/Medicare/Quality-Initiatives-Patient-Assessment-Instruments/MMS/PC-Updates-on-Previous-Comment-Periods.html*''.

8. On page 20533, second column, third full paragraph, lines 5 and 6, the citation ''45 CFR 170.315(g)(1) and (g)(2)'' is corrected to read ''45 CFR 170.315(b)(1) and (b)(2).''

9. On page 20557, first column, first full paragraph, lines 30 and 31, the phrase ''Extraordinary Circumstances Extension/Exemption Request Form'' is corrected to read ''Extraordinary Circumstances Exceptions Request Form''.

10. On page 20563, third column, first paragraph, lines 3 and 4, the CFR citation ''45 CFR 495.324(b)(2) and 495.324(b)(3)'' is corrected to read ''42 CFR 495.324(b)(2) and 495.324(b)(3).''

Dated: June 14, 2018.

Ann C. Agnew,

Executive Secretary to the Department, Department of Health and Human Services.

[FR Doc. 2018–13152 Filed 6–15–18; 11:15 am]

BILLING CODE 4120–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 170630613–8489–01]

RIN 0648–BH02

Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole Management in the Groundfish Fisheries of the Bering Sea and Aleutian Islands; Correction

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

ACTION: Proposed rule; request for comments; correction.

SUMMARY: NMFS is correcting a proposed rule that published on June 6, 2018, that would limit access to the Bering Sea and Aleutian Islands (BSAI) Trawl Limited Access Sector (TLAS) yellowfin sole directed fishery by vessels that deliver their catch of yellowfin sole to motherships for processing. Two paragraphs in the preamble and two tables in the proposed regulatory text contained errors.

DATES: Comments on the proposed rule must be submitted on or before July 6, 2018.

ADDRESSES: You may submit comments on this document, identified by FDMS Docket Number NOAA–NMFS–2017–0083, by any of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0083,* 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: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), 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).

Electronic copies of Amendment 116 and the draft Environmental Assessment/Regulatory Impact Review prepared for this action (collectively the ''Analysis'') may be obtained from *www.regulations.gov.* Electronic copies of Amendments 80 and 39 to the BSAI FMP, and the Environmental Assessments/Regulatory Impact Reviews prepared for those actions also may be obtained from *www.regulations.gov.*

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this rule may be submitted by mail to NMFS at the above address; and by email to *OIRA_Submission@omb.eop.gov* or by fax to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Bridget Mansfield, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS published a proposed rule to implement Amendment 116 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP) on June 6, 2018 (83 FR 26237). If approved, Amendment 116 would limit access to the BSAI TLAS yellowfin sole directed fishery by vessels that deliver their catch of yellowfin sole to motherships for processing. This proposed rule would (1) establish eligibility criteria based on historical participation in the BSAI TLAS yellowfin sole directed fishery, (2) issue an endorsement to those groundfish License Limitation Program (LLP) licenses that meet the eligibility criteria, and (3) authorize delivery of BSAI TLAS yellowfin sole to motherships by only those vessels designated on a groundfish LLP license that is endorsed for the BSAI TLAS yellowfin sole directed fishery. The public comment period for the proposed rule ends on July 6, 2018.

Need for Correction

Proposed Table 52 in the proposed rule incorrectly identifies the groundfish LLP licenses that would be eligible to be credited with qualifying landings and receive an endorsement that allows catcher vessels to deliver BSAI TLAS yellowfin sole to a mothership. Proposed Table 53 incorrectly identifies the groundfish LLP licenses that would be eligible for, but would not be credited with, qualifying landings and thus would not receive a BSAI TLAS yellowfin sole catcher vessel directed fishery endorsement to deliver to a mothership until notification from the vessel owner is received by NMFS. Two paragraphs in the preamble to the proposed rule that describe these eligible groundfish LLP licenses incorrectly identified the number of groundfish LLP licenses that would be eligible to be credited with qualifying landings and receive a BSAI TLAS yellowfin sole catcher vessel directed fishery endorsement. These corrections are necessary because the proposed rule, if approved as published, would result in a total of seven groundfish LLP licenses that would receive a BSAI TLAS yellowfin sole directed fishery endorsement. However, NMFS has determined that a total of eight groundfish LLP licenses would receive a BSAI TLAS yellowfin sole directed fishery endorsement.

Based on the information provided in the analysis and the official record, NMFS has determined that 10 groundfish LLP licenses would be eligible to be credited with qualifying landing(s) and receive a BSAI TLAS yellowfin sole directed fishery endorsement. Six of these groundfish LLP licenses, rather than two as published in the proposed rule on June 6, 2018, would be immediately eligible to be credited with a qualifying landing and receive the endorsement (groundfish LLP licenses 3741, 3944, 2913, 1667, 3714, and 1820). Therefore, under this proposed rule, those six groundfish LLP licenses would be credited with a qualifying landing and receive a BSAI TLAS directed fishery endorsement. The remaining four eligible groundfish LLP licenses (groundfish LLP licenses 3838, 2702, 3902, and 3826), rather than eight as published in the proposed rule on June 6, 2018, were each one of two groundfish LLP licenses designated on a vessel that made qualifying landings during the qualifying period; therefore, those four groundfish LLP licenses would be eligible to be credited with a qualifying landing and receive an endorsement. For any of those four groundfish LLP licenses to be credited with a qualifying landing and receive an endorsement, the vessel owner would be required to select one groundfish LLP license that NMFS is to credit with all qualifying landings made by that vessel. Up to two of those four groundfish LLP licenses could be credited with a qualifying landing and receive an endorsement from NMFS. Therefore, NMFS anticipates that a total of eight groundfish LLP licenses could receive a BSAI TLAS yellowfin sole directed fishery endorsement under the proposed rule, resulting in up to eight vessels that could participate in the BSAI TLAS yellowfin sole directed fishery and deliver their catch to a mothership.

Correction

In the proposed rule, published on June 6, 2018 (83 FR 26237), the following corrections are made:

1. On page 26245, beginning in column 2, the last paragraph is corrected to read as follows:

Based on the information provided in the Analysis and the official record, NMFS has determined that ten groundfish LLP licenses would be eligible to be credited with qualifying landing(s) and receive a BSAI TLAS yellowfin sole directed fishery endorsement. Six of these were the sole groundfish LLP license designated on a vessel in a given year during the qualifying period, for those vessels that made a qualifying landing. Therefore, under this proposed rule, those six groundfish LLP licenses would be credited with a qualifying landing and receive a BSAI TLAS directed fishery endorsement. The remaining four eligible groundfish LLP licenses were each one of two groundfish LLP licenses designated on a vessel that made qualifying landings during the qualifying period; therefore, those four groundfish LLP licenses would be eligible to be credited with a qualifying landing and receive an endorsement. For any of those four groundfish LLP licenses to be credited with a qualifying landing and receive an endorsement, the vessel owner would be required to select one groundfish LLP license that NMFS is to credit with all qualifying landings made by that vessel. Up to two of those four groundfish LLP licenses could be credited with a qualifying landing and receive an endorsement from NMFS. Therefore, NMFS anticipates that a total of eight groundfish LLP licenses could receive a

BSAI TLAS yellowfin sole directed fishery endorsement under the proposed rule, resulting in up to eight vessels that could participate in the BSAI TLAS yellowfin sole directed fishery and deliver their catch to a mothership.

2. On page 26246, beginning in column 2, the last paragraph is corrected to read as follows:

Based on the official record, NMFS has identified ten groundfish LLP licenses that would be eligible to be credited with qualifying landings. Six of these eligible groundfish LLP licenses were the sole groundfish LLP license on which a given vessel was designated at the time the vessel made qualifying landings of BSAI TLAS yellowfin sole. Therefore, NMFS would credit these six groundfish LLP licenses with the qualifying landings under this proposed rule. NMFS proposes to list these six groundfish LLP licenses in Table 52 to part 679. The remaining four eligible groundfish LLP licenses were not the sole groundfish LLP license on which a given vessel was designated at the time the vessel made at least one trip target in the BSAI TLAS fishery during the qualifying period. Because this proposed rule would require in such cases that the vessel owner specify one groundfish LLP license to receive credit with the qualified landing(s) made by that vessel, NMFS would not be able to credit these groundfish LLP licenses until NMFS receives notification from the vessel owner which groundfish LLP license should be credited with the qualifying landing(s). NMFS proposes to list in Table 53 to part 679 the four groundfish LLP licenses that would be eligible for, but would not be credited with, qualifying landings until notification from the vessel owner is received by NMFS. The proposed notification process is described in the following section.

3. On page 26251, column 2, is corrected to correctly identify the groundfish LLP licenses that are eligible to be assigned an endorsement for the BSAI Trawl Limited Access Sector yellowfin sole fishery.

Table 52 is corrected and reprinted in its entirety to read as follows:

TABLE 52 TO PART 679—GROUNDFISH LLP LICENSES ELIGIBLE FOR A BSAI TRAWL LIMITED ACCESS SECTOR YELLOWFIN SOLE DIRECTED FISHERY ENDORSEMENT

[X indicates that Column A applies]

Column A	Column B
The Holder of Groundfish License No.	Is eligible Under 50 CFR 679.4(k)(14)(ii) to be assigned an Endorsement for the BSAI Trawl Limited Access Sector Yellowfin Sole Fishery
LLG 3944	X
LLG 2913	X
LLG 1667	X
LLG 3714	X
LLG 1820	X
LLG 3741	X

4. On page 26251, column 3, is corrected to correctly identify the groundfish LLP licenses that require qualified landings assignment to be eligible for a BSAI Trawl Limited Access Sector yellowfin sole directed fishery endorsement.

Table 53 is corrected and reprinted in its entirety to read as follows:

TABLE 53 TO PART 679—GROUNDFISH LLP LICENSES THAT REQUIRE QUALIFIED LANDINGS ASSIGNMENT TO BE ELIGIBLE FOR A BSAT TRAWL LIMITED ACCESS SECTOR YELLOWFIN SOLE DIRECTED FISHERY ENDORSEMENT

[X indicates that Column A applies]

Column A	Column B
A single vessel was designated on the following pairs of groundfish LLP licenses during the qualifying period identified in 50 CFR 679.4(k)(14)(ii)(A)(*1*)	The owner of the vessel designated on the pair of LLP licenses in Column A must notify NMFS which LLP license from each pair in Column A is to be credited with qualifying landing(s) under 50 CFR 679.4(k)(14)(vi)(*2*).
LLG 3838 and LLG 2702	X
LLG 3902 and LLG 3826	X

Authority: 16 U.S.C. 773 *et seq.;* 1801 *et seq.;* 3631 *et seq.;* Pub. L. 108–447; Pub. L. 111–281.

Dated: June 15, 2018.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2018–13249 Filed 6–19–18; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 83, No. 119

Wednesday, June 20, 2018

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Community Forest and Open Space Program

AGENCY: Forest Service, USDA.

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service (FS) is seeking comments from all interested individuals and organizations on the extension with no revision of a currently approved information collection; Community Forest and Open Space Program.

DATES: Comments must be received in writing on or before August 20, 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 Maya Solomon, USDA Forest Service, Cooperative Forestry Staff, 1400 Independence Avenue SW, Mailstop 1123, Washington, DC 20250. Comments may also be submitted electronically via email to *communityforest@fs.fed.us.* If comments are sent electronically, do not duplicate via regular mail.

The public may inspect comments received at the USDA Forest Service, Yates Building, 1400 Independence Avenue, Washington, DC, during normal business hours. Visitors are encouraged to call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Scott Stewart, Community Forest and Open Space Conservation Program Manager, by phone at 202–205–1618. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 twenty-four hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: Community Forest and Open Space Program.

OMB Number: 0596–0227.

Expiration Date of Approval: October 31, 2018.

Type of Request: Renewal of a currently approved collection.

Abstract: The Forest Service is authorized to implement the Community Forest and Open Space Program (CFP) under Section 8003 of the Food, Conservation, and Energy Act of 2008 (Pub. L. 110–246; 122 Stat. 2043; 7 U.S.C. 8701), which amends the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103d). The purpose of the Community Forest Program is to achieve community benefits through grants to local governments, Tribal Governments, and qualified nonprofit organizations to establish community forests by acquiring and protecting private forestlands. The information requirements will be used to help the Forest Service in the following areas: (1) To determine that the applicant is eligible to receive funds under the program, (2) to determine if the proposal meets the qualifications in the law and regulations, (3) to evaluate and rank the proposals based on a standard, consistent information; and (4) to determine if the projects costs are allowable and sufficient cost share is provided.

Local governmental entities, Tribal Governments, and qualified nonprofit organizations are the only entities eligible for the program, and therefore are the only organizations from which information will be collected.

The information collection currently required for a request for proposals and grant application is approved and has been assigned the OMB Control No. 0596–0227.

Estimated Annual Number of Respondents: 50.

Estimated Burden per Response: 40 hours.

Estimated Number of Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 50.

Estimated Total Annual Burden on Respondents: 2,000 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 request for Office of Management and Budget approval.

Dated: May 23, 2018.

Patti Hirami,

Acting Deputy Chief.

[FR Doc. 2018–13261 Filed 6–19–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Santa Fe National Forest; New Mexico; Amendment of the Land Management Plan for Santa Fe National Forest

AGENCY: Forest Service, USDA.

ACTION: Notice of Forest Plan Amendment approval.

SUMMARY: James Melonas, the Forest Supervisor for the Santa Fe National Forest, Southwest Region, signed the final Record of Decision (ROD) for the amendment to the Santa Fe National Forest Land and Resource Management Plan (Forest Plan Amendment). The final ROD documents the rationale for approving the Forest Plan Amendment and is consistent with the Reviewing Officer's response to objections and instructions.

DATES: The date of the Santa Fe's Forest Plan Amendment for Invasive Plant Control is July 20, 2018. Santa Fe's Forest Plan Amendment for Invasive Plant Control, Supplemental Environmental Impact Statement, Final ROD, and other supporting information, will be available for review at *http://*

www.fs.usda.gov/projects/santafe/landmanagement/projects.

FOR FURTHER INFORMATION CONTACT: Sandra Imler-Jacquez, Environmental Coordinator, Santa Fe National Forest at 505–438–5443. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m. (Eastern time), Monday through Friday.

SUPPLEMENTARY INFORMATION: The Forest Service, Southwestern Region, Santa Fe National Forest, prepared a Forest Plan Amendment for Invasive Plant Control. The current Forest Plan forest-wide standards for watershed management prohibit herbicide use within municipal watersheds, in areas of human habitation, on soils with low regeneration potential or less than moderate cation exchange capacity (1987 Forest Plan). The amendment allows herbicides to be used where necessary in those situations. The current Santa Fe National Forest Plan also prohibits herbicide use if an environmental analysis shows that it is not ''environmentally, economically or socially acceptable,'' which is an ambiguous and non-quantifiable standard, subject to variable interpretations. The amendment will slightly modify that standard while continuing to focus on using the analysis of environmental, economic and social impacts to determine the appropriateness of herbicide application.

A draft ROD and final SEIS were released in December 2017, which was subject to a pre-decisional objection period. Four objections were received, with one being set aside from review in accordance with 36 CFR 218.10(7) and the Reviewing Officer's responses to the objection issues were signed by the Acting Deputy Regional Forester (as Reviewing Officer for the Regional Forester) in March 2018. A final ROD to approve the Forest Plan Amendment for Invasive Plant Control for the Santa Fe National Forest has now been signed and is available at the website described above.

Responsible Official

The responsible official for the Santa Fe's Forest Plan Amendment for Invasive Plant Control on Santa Fe National Forest is James Melonas, Forest Supervisor, Santa Fe National Forest, 11 Forest Lane, Santa Fe, NM 87508.

Dated: May 9, 2018.

Chris French,

Associate Deputy Chief, National Forest System.

[FR Doc. 2018–13257 Filed 6–19–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Santa Fe National Forest; New Mexico; Amendment of the Land Management Plan for Santa Fe National Forest

AGENCY: Forest Service, USDA

ACTION: Notice of Forest Plan Amendment approval.

SUMMARY: James Melonas, the Forest Supervisor for the Santa Fe National Forest, Southwest Region, signed the final Record of Decision (ROD) for the amendment to the Santa Fe National Forest Land and Resource Management Plan (Forest Plan Amendment). The final ROD documents the rationale for approving the Forest Plan Amendment and is consistent with the Reviewing Officer's response to objections and instructions.

DATES: The date of the Santa Fe's Forest Plan Amendment for Geothermal Leasing is July 20, 2018. The Santa Fe's Forest Plan Amendment for Geothermal Leasing, Environmental Impact Statement (EIS), final ROD, and other supporting information, will be available for review at *http://www.fs.usda.gov/projects/santafe/landmanagement/projects.*

FOR FURTHER INFORMATION CONTACT: Larry Gore, Geologist, Santa Fe National Forest at 575–289–3264, ext. 2149. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m. (Eastern time), Monday through Friday.

SUPPLEMENTARY INFORMATION: The Forest Service, Southwestern Region, Santa Fe National Forest, prepared a Forest Plan Amendment for Geothermal Leasing. The purpose of the amendment is to implement discretionary and nondiscretionary leasing closures for geothermal resources. Pursuant to federal law, the Forest Service may reasonably regulate the use of the surface estate to minimize impacts on Forest Service surface resources. This amendment meets the purpose and need for the Proposed Action, while conforming to the requirements of the Energy Policy Act of 2005 (Pub. L. 109–580). This is to facilitate timely processing of geothermal lease applications and Forest Service policies intended to minimize impacts on surface resources.

A draft ROD and final EIS were released in December 2017, which were subject to a pre-decisional objection period. Two objections were received, with one being set aside from review in accordance with 36 CFR 218.10(7) and the Reviewing Officer's responses to the objection issues were signed by the Acting Deputy Regional Forester (as Reviewing Officer for the Regional Forester) in March 2018. The final ROD to approve the Forest Plan Amendment for Geotheral Leasing for the Santa Fe National Forest has now been signed, and is available at the website described above.

Responsible Official

The responsible official for the Santa Fe's Forest Plan Amendment for Invasive Plant Control on Santa Fe National Forest is James Melonas, Forest Supervisor, Santa Fe National Forest, 11 Forest Lane, Santa Fe, NM 87508.

Dated: May 9, 2018.

Chris French,

Associate Deputy Chief, National Forest System.

[FR Doc. 2018–13259 Filed 6–19–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Idaho (Boise, Caribou-Targhee, Salmon-Challis, and Sawtooth National Forests and Curlew National Grassland); Nevada (Humboldt-Toiyabe National Forest); Utah (Ashley, Dixie, Fishlake, Manti-La Sal, and Uinta-Wasatch-Cache National Forests); Wyoming (Bridger-Teton National Forest); and Wyoming/Colorado (Medicine Bow-Routt National Forest and Thunder Basin National Grassland) Amendments to Land Management Plans for Greater Sage-Grouse Conservation

AGENCY: Forest Service, USDA.

ACTION: Supplemental Notice of Intent To Prepare an Environmental Impact Statement; Notice of Updated Information Concerning the Forest Service Greater Sage-Grouse Land and Resource Management Plan Amendments

SUMMARY: This supplemental notice solicits public comments on a greater sage-grouse land management proposed action that could warrant land management plan amendments. Land management plans for National Forests

and Grasslands in Idaho, Montana, Nevada, Utah, Colorado and Wyoming were amended in September 2015 to incorporate conservation measures to support the continued existence of the greater sage-grouse. Since the plans were amended in 2015, scoping on specific issues was requested in a Notice of Intent (NOI) published in the **Federal Register** on November 21, 2017 (82 FR 55346). This supplemental NOI continues the scoping effort by seeking comments about a proposed action to make further amendments to the plans. This supplemental NOI also identifies the planning rule provisions likely to be directly related, and so applicable, to proposed plan amendments.

DATES: Comments concerning the scope of the analysis must be received by July 20, 2018.

ADDRESSES: Please submit comments via one of the following methods:

1. *Public participation portal (preferred): https://cara.ecosystem-management.org/Public/Comment Input?project=52904.*
2. *Mail:* Sage-grouse Amendment Comment, USDA Forest Service Intermountain Region, Federal Building, 324 25th Street, Ogden, UT 84401.
3. *Email: comments-intermtn-regional-office@fs.fed.us.*
4. *Facsimile:* 801–625–5277.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received online via the public reading room at: *https://cara.ecosystem-management.org/Public/ReadingRoom?project=52904.*

FOR FURTHER INFORMATION CONTACT: John Shivik at 801–625–5667 or email *johnashivik@fs.fed.us.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Forest Service is proposing to amend the Forest Service land management plans that were amended in 2015 regarding greater sage-grouse conservation in the states of Colorado, Idaho, Nevada, Wyoming, Utah and Montana (2015 Greater Sage-Grouse Plans). This notice clarifies the purpose and need, proposed action, and the responsible officials, which were not identified in the scoping on specific issues that were requested in a Notice of Intent published in the **Federal Register** on November 21, 2017 (2017 NOI). The Forest Service is proposing amendments to land management plans that were amended in 2015.

We hereby give notice that substantive requirements of the 2012 Planning Rule (36 CFR 219) that are likely to be directly related, and therefore applicable, to the amendments are in sections 219.8 (a) and (b) (ecological and social and economic sustainability), 219.9 (diversity of plant and animal communities), and 219.10(a) (integrated resource management for ecosystem services and multiple use).

Preliminary Issues

In the 2017 NOI, the Forest Service requested public input on the 2015 Greater Sage-grouse plan amendments. A summary of comments can be found here on the Intermountain Region home page: *https://www.fs.usda.gov/detail/r4/home/?cid=stelprd3843381.* Public input helped the Forest Service to identify preliminary issues which led to the development of a purpose and need and proposed action for benefiting sage-grouse on the landscape scale. The topics identified during that scoping process were: Adaptive management, allowable land uses, disturbance caps, the Endangered Species Act, fire management and invasive species, habitat mapping, habitat objectives, lek buffers, livestock grazing, mitigation, noise limitations, population management, predation, required design features, role of science, sagebrush focal areas, socioeconomics, and wild horses and burros.

Purpose and Need

The Forest Service published the 2017 NOI to consider the possibility of amending land management plans for greater sage-grouse that were originally amended in 2015 in the states of Colorado, Idaho, Nevada, Wyoming, Utah and Montana (2015 Sage-Grouse Plan Amendments). The need for further plan amendments is that the Forest Service has gained new information and understanding from the 55,000 comments received as a result of the 2017 NOI, within-agency scoping, and from coordination with the Sage Grouse Task Force (with members from state agencies, Bureau of Land Management, Fish and Wildlife Service and the Natural Resources Conservation Service). The purpose of the proposed action is to incorporate new information to improve the clarity, efficiency, and implementation of greater sage-grouse plans, including better alignment with the Bureau of Land Management (BLM) and state plans, in order to benefit greater sage-grouse conservation on the landscape scale.

Proposed Action

The scope and scale of the proposed action is on 6.1 million acres of greater sage-grouse habitat on National Forest System lands in the Intermountain, Northern, and Rocky Mountain Regions. Specific textual adjustments currently under consideration can be found on the Intermountain Region home page: *https://www.fs.usda.gov/detail/r4/home/?cid=stelprd3843381.*

In summary, proposed actions are:

(1) In order to streamline plans in accordance with BLM and Forest Service (FS) policy, the subset of priority habitat management areas designated as sagebrush focal areas will be eliminated, as will the use of mineral withdrawals in FS plans, in accordance with the limits of FS authority.

(2) Text will be edited to correct minor clerical errors, for clarity, and to reduce redundancy within the plan and as related to national policy.

(3) In order to clarify plan direction, when restrictions on minerals developments are required, specific requirements (*i.e.,* stipulations) on habitat disturbing activities will be inserted.

(4) In order to streamline the plans in accordance with FS and BLM policy, where exceptions to restrictions on minerals development are allowed, the details, requirements, and process of making the exceptions will be revised.

(5) Updated information will be incorporated to revise mapped habitat management areas, and the purpose and use of habitat management area maps will be clarified.

(6) Livestock management guidelines will be revised to remove restrictions on water development and to replace specific grass-height requirements with standardized use of the habitat assessment framework in order to better reflect current research and to align local management with local habitat conditions.

(7) Because invasive plants are a primary threat to the sagebrush ecosystem and greater sage-grouse, invasive plant management will be further emphasized by adding a plan component that stresses treatment of invasive plants in priority habitat management areas.

(8) In order to promote landscape-scale effectiveness, text within the adaptive management framework will be revised to align the FS framework with BLM and state-based adaptive management systems.

(9) Plan components will be altered to focus protections for greater sage-grouse in priority habitat management areas in order to better incentivize habitat

disturbance to areas outside of priority habitat management areas.

(10) Text within the compensatory mitigation framework, including the use of no net loss or net conservation gain elements, will be revised in order to promote landscape-scale effectiveness by aligning the FS framework with BLM and state-based compensatory mitigation systems.

Scoping Process

The Forest Service is proposing amendments to 20 land management plans to change some of the plan components added to those plans in 2015. Public involvement is important for adding meaningful participation from the early phases of planning through finalization of the plan amendments and subsequent monitoring. A public participation strategy has been designed to assist with communication within the Forest Service and between the Forest Service and the public. Find the strategy here: *https://www.fs.usda.gov/detail/r4/home/?cid=stelprd3843381.*

Lead and Cooperating Agencies

If any further analysis and associated decision documents for the Forest Service plan amendments are completed, then the Forest Service will be the lead agency. Other federal, State, and local agencies, along with tribes and other stakeholders that may be interested in or affected by the proposed action are invited to participate in the scoping process. If eligible, they may request or be asked by the Forest Service to participate in the development of the environmental analysis as a cooperating agency. The Forest Service will consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies.

Responsible Officials

The responsible officials who would approve plan amendments are the Regional Foresters for the Intermountain, Rocky Mountain, and Northern Regions.

Request for Comment

The public is encouraged to comment on the proposed action in this notice. The Forest Service will use an interdisciplinary approach as it considers the variety of resource issues and concerns.

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, anonymous comments will not provide the Agency with the ability to provide the respondent with subsequent environmental documents.

Dated: June 12, 2018.

Glen Casamassa,

Associate Deputy Chief, National Forest System.

[FR Doc. 2018–13260 Filed 6–19–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Announcement of Grant Application Deadlines and Funding Levels

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of Funds Availability (NOFA).

SUMMARY: The Rural Utilities Service (RUS) announces its Household Water Well System (HWWS) Grant Program funds availability and solicitation of applications application window for fiscal year (FY) 2018. RUS will make available $993,000 in grant funds to qualified private non-profit organizations to establish lending programs for homeowners to borrow up to $11,000 to construct or repair household water wells for an existing home. The HWWS Grant Program is authorized under 7 U.S.C. 1926e. Regulations may be found at 7 CFR part 1776. The Agency encourages applications that will support recommendations made in the Rural Prosperity Task Force report to help improve life in rural America which can be found at *www.usda.gov/ruralprosperity.* Applicants are encouraged to consider projects that provide measurable results in helping rural communities build robust and sustainable economies through strategic investments in infrastructure, partnerships and innovation. Key strategies include:

- Achieving e-Connectivity for Rural America
- Developing the Rural Economy
- Harnessing Technological Innovation
- Supporting a Rural Workforce
- Improving Quality of Life

DATES: The deadline for completed applications for a HWWS grant is July 20, 2018. Applications in either paper or electronic format must be postmarked or time-stamped electronically on or before the deadline. Late applications will be ineligible for grant consideration. Prior to official submission of applications, applicants may request technical assistance or other application guidance from the Agency, as long as such requests are made prior to July 5, 2018. The Agency will not solicit or consider scoring or eligibility information that is submitted after the application deadline. The Agency reserves the right to contact applications to seek clarification information on materials contained in the submitted application.

ADDRESSES: Submit applications to the following addresses:

1. *Electronic applications: http://www.grants.gov/.* Submit electronic applications through *Grants.gov,* following the instructions on that website.

2. *Paper applications:* Water Programs Division, United States Department of Agriculture, Rural Development, Rural Utilities Service, STOP: 1570, Room 2233–S, 1400 Independence Avenue SW, Washington, DC 20250–1570.

Obtain application guides and materials for the HWWS Grant Program electronically or in paper format from the following addresses:

1. *Electronic copies: http://www.rd.usda.gov/programs-services/household-water-well-system-grants;*

2. *Paper copies:* U.S. Department of Agriculture, Rural Development, Rural Utilities Service, Water and Environmental Programs STOP: 1570, Room 2233–S, 1400 Independence Avenue SW, Washington, DC 20250–1570 or call (202) 720–9583.

FOR FURTHER INFORMATION CONTACT: Derek Jones, Community Programs Specialist, Water and Environmental Programs, Rural Utilities Service, Rural Development, U.S. Department of Agriculture, STOP 1570, Room 2233–S, 1400 Independence Avenue SW, Washington, DC 20250–1570; Telephone: (202) 720–9640, fax: (202) 690–0649, email: *derek.jones@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency: Rural Utilities Service, USDA.

Funding Opportunity Title: HWWS Grant Program.

Announcement Type: Grant—Notice of Funds Availability (NOFA).

Catalog of Federal Domestic Assistance (CFDA) Number: 10.862.

Due Date for Applications: July 20, 2018. See Section D of this notice for details.

Items in Supplementary Information

A. Funding Opportunity: Description of the HWWS Grant Program.

B. Award Information: Available funds, anticipated number of awards, length of project periods, assistance instrument.

C. Eligibility Information: Who is eligible, what kinds of projects are eligible, what criteria determine basic eligibility.

D. Application and Submission Information: Where to get application materials, what constitutes a completed application, how and where to submit applications, deadlines, items that are eligible.

E. Application Review Information: Considerations and preferences, scoring criteria, review standards, selection information.

F. Award Administration Information: Award notice information, award recipient reporting requirements.

G. Agency Contacts: Website, phone, fax, email, contact name.

H. Non-discrimination Statement: USDA non-discrimination statement, how to file a complaint, persons with disabilities.

A. Funding Opportunity

1. Program Description

The HWWS Grant Program has been established to help individuals with low to moderate incomes finance the costs of household water wells that they own or will own. The HWWS Grant Program is authorized under Section 306E of the Consolidated Farm and Rural Development Act (CONACT), 7 U.S.C. 1926e. The CONACT authorizes RUS to make grants to qualified private non-profit organizations to establish lending programs for household water wells.

As the grant recipients, private non-profit organizations will receive HWWS grants to establish lending programs that will provide water well loans to individuals. The individuals, as loan recipients, may use the loans to construct, refurbish, and service their household well systems. A loan may not exceed $11,000 and will have a term up to 20 years at a one percent annual interest rate.

2. Background

RUS supports the sound development of rural communities and the growth of our economy without endangering the environment. RUS provides financial and technical assistance to help communities bring safe drinking water and sanitary, environmentally sound waste disposal facilities to rural Americans in greatest need.

Central water systems may not be the only or best solution to drinking water problems. Distance or physical barriers make public central water systems costly to deploy in remote areas. A significant number of geographically isolated households without water service might require individual wells rather than connections to new or existing community systems. The goal of RUS is not only to make funds available to those communities most in need of potable water but also to ensure that facilities used to deliver drinking water are safe and affordable. There is a role for private wells in reaching this goal.

3. Purpose

The purpose of the HWWS Grant Program is to provide funds to private non-profit organizations to assist them in establishing loan programs from which individuals may borrow money for HWWS. Faith-based organizations are eligible and encouraged to apply for this program. Applicants must show that the project will provide technical and financial assistance to eligible individuals to remedy household well problems.

Due to the limited amount of funds typically available under the HWWS Grant Program, the RUS anticipates that 10 applications may be funded from FY 2018 funds. Applications from existing HWWS grant recipients are acceptable and will be evaluated as new applications.

B. Award Information

Funding Instrument Type: Grant.

Available Funds: $993,000.

Anticipated Number of Awards: 10.

Length of Project Periods: 12-month project.

Assistance Instrument: Grant Agreement with successful applicants before any grant funds are disbursed.

C. Eligibility Information

1. Eligibile Entities

a. An organization is eligible to receive a HWWS grant if it:

i. Has an active registration with current information in the System for Award Management (SAM) and has a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number.

ii. Is a private, non-profit organization.

iii. Is legally established and located within one of the following:

(1) A state within the United States.

(2) The District of Columbia.

(3) The Commonwealth of Puerto Rico.

(4) A United States territory.

b. Has the legal capacity and authority to carry out the grant purpose.

c. Has sufficient expertise and experience in lending activities.

d. Has sufficient expertise and experience in promoting the safe and productive use of individually-owned HWWS and ground water.

e. Has no delinquent debt to the Federal government or no outstanding judgments to repay a Federal debt.

f. Demonstrates that it possesses the financial, technical, and managerial capability to comply with Federal and State laws and requirements, and

g. Is not a corporation that has been convicted of a felony (or had an officer or agent acting on behalf of the corporation convicted of a felony) within the past 24 months. Any Corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability is not eligible.

2. Ineligible Entities

An individual is ineligible to receive a HWWS grant, however, an individual may receive a loan from an organization receiving a grant award.

3. Basic Eligibility Requirements for a Project

a. To be eligible for a grant, the project must:

i. Be a revolving loan fund created to provide loans to eligible individuals to construct, refurbish, and service individually-owned HWWS (see 7 CFR 1776.11 and 1776.12). Loans may not be provided for home sewer or septic system projects.

ii. Be established and maintained by a private, non-profit organization.

iii. Be located in a rural area. Rural area is defined as locations other than cities or towns of more than 50,000 people and the contiguous and adjacent urbanized area of such towns and cities.

4. Required Matching Contributions

Grant applicants must provide written evidence of a matching contribution of at least 10 percent from sources other than the proceeds of a HWWS grant. In-kind contributions will not be considered for the matching requirement. Please see 7 CFR 1776.9 for the requirement.

5. Other Requirements

a. DUNS Number. The applicant for a grant must supply a DUNS number as part of an application. The Standard Form 424 (SF–424) contains a field for the DUNS number. The applicant can obtain the DUNS number free of charge by calling Dun and Bradstreet. Please see *http://fedgov.dnb.com/webform* for more information on how to obtain a DUNS number or how to verify your organization's number.

b. Prior to submitting an application, the applicant must register in System for Award Management (SAM).

i. Applicants may register for SAM at *https://www.sam.gov/portal/public/SAM/.*

ii. The SAM registration must remain active with current information at all times while RUS is considering an application or while a Federal grant award or loan is active. To maintain the registration in the SAM database the applicant must review and update the information in the SAM database annually from date of initial registration or from the date of the last update. The applicant must ensure that the information in the database is current, accurate, and complete.

c. Eligibility to receive a HWWS loan will be based on the following criteria:

i. An individual must be a member of a household of which the combined household income of all members does not exceed 100 percent of the median non-metropolitan household income for the State or territory in which the individual resides. Household income is the total income from all sources received by each adult household member for the most recent 12-month period for which the information is available. It does not include income earned or received by dependent children under 18 years old or other benefits that are excluded by Federal law. The non-metropolitan household income must be based on the 5-year income data from the American Community Survey (ACS) or, if needed, other United States Bureau of the Census data.

RUS publishes a list of income exclusions in 7 CFR 3550.54(b). Also, the Department of Housing and Urban Development published a list of income exclusions in the **Federal Register** on May 20, 2014, at 79 FR 28938 (see ''Federally Mandated Exclusions'').

ii. The loan recipient must own and occupy the home being improved with the proceeds of the Household Water Well loan or be purchasing the home to occupy under a legally enforceable land purchase contract which is not in default by either the seller or the purchaser.

iii. The home being improved with the water well system must be located in a rural area.

iv. The loan for a water well system must not be associated with the construction of a new dwelling.

v. The loan must not be used to substitute a water well system for water service available from collective water systems. (For example, a loan may not be used to restore an old well abandoned when a dwelling was connected to a water district's water line.)

vi. The loan recipient must not be suspended or debarred from participation in Federal programs.

D. Application and Submission Information

1. Where To Get Application Information

The HWWS Grant Application Guide (Application Guide), copies of necessary forms and samples, and the HWWS Grant Program regulation are available from these sources:

a. Internet for electronic copies: *http://www.grants.gov/* or *http://www.rd.usda.gov/programs-services/household-water-well-system-grants*;

b. Water and Environmental Programs for paper copies: U.S. Department of Agriculture, Rural Utilities Service, Water and Environmental Programs, Stop 1570, Room 2233–S, 1400 Independence Avenue SW, Washington, DC 20250–1570, Telephone: (202) 720–9589, Fax: (202) 690–0649.

2. Content and Form of Application Submission

a. Rules and Guidelines

b. Detailed information on each item required can be found in the HWWS Grant Program regulation (7 CFR part 1776) and the Application Guide. Applicants are strongly encouraged to read and apply both the regulation and the Application Guide. This Notice does not change the requirements for a completed application for any form of HWWS financial assistance specified in the regulation. The regulation and Application Guide provide specific guidance on each of the items listed.

c. Applications should be prepared in conformance with the provisions in 7 CFR part 1776, subpart B, and departmental and other applicable regulations including 2 CFR parts 180, 182, 200, 400, and 421, or any successor regulations. Applicants should use the Application Guide which contains instructions and other important information in preparing their application. Completed applications must include the items found in the checklist in the next paragraph.

3. Checklist of Items in Completed Application Packages

a. DUNS Number. The applicant for a grant must supply a Dunn and Bradstreet Data Universal Numbering System (DUNS) number as part of an application. The Standard Form 424 (SF–424) contains a field for the DUNS number. The applicant can obtain the DUNS number free of charge by calling Dun and Bradstreet. Please see *http://fedgov.dnb.com/webform* for more information on how to obtain a DUNS number or how to verify your organization's number.

b. Prior to submitting an application, the applicant must register in the System for Award Management (SAM).

i. Applicants may register for the SAM at: *https://www.sam.gov/portal/public/SAM/.*

ii. The SAM registration must remain active with current information at all times while RUS is considering an application or while a Federal Grant Award or loan is active. To maintain the registration in the SAM database the applicant must review and update the information in the SAM database annually from date of initial registration or from the date of the last update. The applicant must ensure that the information in the database is current, accurate, and complete.

iii. Your organization must be listed in the SAM. If you have not used *Grants.gov* before, you will need to register with the SAM and the Credential Provider. New registrations can take three to five business days to process. Updating or renewing an active registration has a shorter turnaround, 24 hours. Registrations in SAM are active for one year. The SAM registers your organization, housing your organizational information and allowing *Grants.gov* to use the information to verify your identity. The DUNS number, Taxpayer Identification Number (TIN), and name and address of the applicant organization must match SAM data files.

c. The electronic and paper application process requires forms with the prefixes RD and SF as well as supporting documents and certifications such as the following application items:

i. SF–424, ''Application for Federal Assistance.''

ii. SF–424A, ''Budget Information—Non-Construction Programs.''

iii. SF–424B, ''Assurances—Non-Construction Programs.''

iv. SF–LLL, ''Disclosure of Lobbying Activity.''

v. Form RD 400–1, ''Equal Opportunity Agreement.''

vi. Form RD 400–4, ''Assurance Agreement (Under Title VI, Civil Rights Act of 1964).''

vii. Project Proposal, Project Summary, Needs Assessment, Project Goals and Objectives, Project Narrative.

viii. Work Plan.

ix. Budget and Budget Justification.

x. Evidence of Legal Authority and Existence.

xi. Documentation of private non-profit status and Internal Revenue Service (IRS) Tax Exempt Status.

xii. List of Directors and Officers.

xiii. Financial information and sustainability (narrative).

xiv. Assurances and certifications of compliance with other Federal Statutes.

The forms in items i through vi must be completed and signed where appropriate by an official of your organization who has authority to obligate the organization legally. RD forms are used by programs under the RD mission area. Standard forms (SF) are used government-wide. In addition to the sources listed in section A, the forms may be accessed electronically through the RD website at *http://www.rd.usda.gov/publications.*

See section V, ''Application Review Information,'' for instructions and guidelines on preparing Items vii through xiii.

4. Compliance With Other Federal Statutes

The applicant must provide evidence of compliance with other Federal statutes and regulations, including, but not limited to the following:

a. 7 CFR part 15, subpart A—Nondiscrimination in Federally Assisted Programs of the Department of Agriculture—Effectuation of Title VI of the Civil Rights Act of 1964.

b. 2 CFR part 417—Governmentwide Debarment and Suspension (Nonprocurement), or any successor regulations.

c. 7 CFR part 3052—Audits of States, Local Governments, and Non-profit Organizations, or any successor regulations.

d. Subpart B of 2 CFR part 421, which adopts the Governmentwide implementation (2 CFR part 182) of the Drug-Free Workplace Act.

e. Executive Order 13166, ''Improving Access to Services for Persons with Limited English Proficiency.'' For information on limited English proficiency and agency-specific guidance go to *http://www.lep.gov/.*

f. Federal Obligation Certification on Delinquent Debt.

5. Required Number of Application Copies

a. Applications Submitted on Paper. Submit one signed original and two additional copies. The original and each of the two copies must include all required forms, certifications, assurances, and appendices, be signed by an authorized representative, and have original signatures. Do not include organizational brochures or promotional materials.

b. Applications Submitted Electronically. Additional paper copies are unnecessary if the application is submitted electronically through *http://www.grants.gov/.*

6. How and Where To Submit an Application

a. For paper applications, mail or ensure delivery of an original paper application (no stamped, photocopied, or initialed signatures) and two copies by the deadline date to: U.S. Department of Agriculture, Rural Development, Rural Utilities Service, Water and Environmental Programs, STOP 1570, Room 2233–S, 1400 Independence Avenue SW, Washington, DC 20250–1570, Telephone: (202) 720–9583. Submit paper applications marked ''Attention: Water and Environmental Programs.'' Applications must show proof of mailing or shipping by one of the following:

i. A legibly dated U.S. Postal Service (USPS) postmark;

ii. A legible mail receipt with the date of mailing stamped by the USPS; or,

iii. A dated shipping label, invoice, or receipt from a commercial carrier.

b. If a deadline date falls on a weekend, it will be extended to the following Monday. If the date falls on a Federal holiday, it will be extended to the next business day.

c. Due to screening procedures at the Department of Agriculture, packages arriving via the USPS are irradiated, which can damage the contents and delay delivery. RUS encourages applicants to consider the impact of this procedure in selecting an application delivery method.

d. For submitting electronic applications, the following applies:

i. Applications will not be accepted by fax or electronic mail.

ii. Electronic applications for grants will be accepted if submitted through *Grants.gov* at *http://www.grants.gov/.*

iii. Applicants must preregister successfully with *Grants.gov* to use the electronic applications option. Application information may be downloaded from *Grants.gov* without preregistration.

iv. Applicants who apply through *Grants.gov* should submit their electronic applications before the deadline.

v. *Grants.gov* contains full instructions on all required passwords, credentialing, and software. Follow the instructions at *Grants.gov* for registering and submitting an electronic application.

vi. *Grants.gov* has two preregistration requirements: a DUNS number and an active registration in SAM. See the ''Checklist of Items in Completed Application Packages'' for instructions on obtaining a DUNS number and registering in the SAM.

vii. You must be registered with *Grants.gov* before you can submit an electronic grant application by going to the *Grants.gov* website at: *http://www.grants.gov/applicants/get_registered.jsp.*

viii. Organization registration user guides and checklists are also available at *Grants.gov*.

ix. *Grants.gov* requires some credentialing and online authentication procedures. When an applicant organization is registered with SAM, the organization designates a point of contact who receives a password authorizing the person to designate staff members who are allowed to submit applications electronically through *Grants.gov*. These authorized organization representatives must be registered with *Grants.gov* to receive a username and password to submit applications. These procedures may take several business days to complete.

x. Some or all of the SAM and *Grants.gov* registration, credentialing and authorizations require updates. If you have previously registered at *Grants.gov* to submit applications electronically, please ensure that your registration, credentialing and authorizations are up to date well in advance of the grant application deadline.

xi. To use *Grants.gov:*

(1) Follow the instructions on the website to find grant information.

(2) Download a copy of an application package.

(3) Complete the package off-line.

(4) Upload and submit the application via the *Grants.gov* website.

(5) If a system problem or technical difficulty occurs with an electronic application, please use the customer support resources available at the *Grants.gov* website.

(6) Again, RUS encourages applicants to take early action to complete the sign-up, credentialing and authorization procedures at *Grants.gov* before submitting an application at the website.

7. Deadlines

The deadline for paper and electronic submissions is July 20, 2018. Paper applications must be postmarked and mailed, shipped, or sent overnight no later than the closing date to be considered for FY 2018 grant funding. Electronic applications must have an electronic date and time stamp by midnight of July 20, 2018 to be considered on time. RUS will not accept applications by fax or email. Applications that do not meet the

criteria above are considered late applications and will not be considered. RUS will notify each late applicant that its application will not be considered.

8. Funding Restrictions

a. Eligible Grant Purposes

i. Grant funds must be used to establish and maintain a revolving loan fund to provide loans to eligible individuals for household water well systems.

ii. Individuals may use the loans to construct, refurbish, rehabilitate, or replace household water well systems up to the point of entry of a home. Point of entry for the well system is the junction where water enters into a home water delivery system after being pumped from a well.

iii. Grant funds may be used to pay administrative expenses associated with providing HWWS loans.

b. Ineligible Grant Purposes

i. Administrative expenses incurred in any calendar year that exceed 10 percent of the household water well loans made during the same period do not qualify for reimbursement.

ii. Administrative expenses incurred before RUS executes a grant agreement with the recipient do not qualify for reimbursement.

iii. Delinquent debt owed to the Federal Government does not qualify for reimbursement.

iv. Grant funds may not be used to provide loans for household sewer or septic systems.

v. Household Water Well loans may not be used to pay the costs of water well systems for the construction of a new house.

vi. Household Water Well loans may not be used to pay the costs of a home plumbing system.

E. Application Review Information

1. Criteria

This section contains instructions and guidelines on preparing the project proposal, work plan, and budget sections of the application. Also, guidelines are provided on the additional information required for RUS to determine eligibility and financial feasibility. This year RUS will assign administrative discretion points to applications that:

a. Direct loans to rural areas where according to the American Community Survey data by census tracts show that at least 20 percent of the population is living in poverty.

b. Direct loans to areas which lack running water, flush toilets, and modern sewage disposal systems, and areas which have open sewers and high rates of disease caused by poor sanitation, in particular, colonias or Substantially Underserved Trust Areas.

c. Direct loans to rural areas impacted by severe drought.

2. Project Proposal

The project proposal should outline the project in sufficient detail to provide a reader with a complete understanding of the loan program. Explain what will be accomplished by lending funds to individual well owners. Demonstrate the feasibility of the proposed loan program in meeting the objectives of this grant program. The proposal should include the following elements:

3. Project Summary

Present a brief project overview. Explain the purpose of the project, how it relates to RUS' purposes, how the project will be executed, what the project will produce, and who will direct it.

4. Needs Assessment

To show why the project is necessary, clearly identify the economic, social, financial, or other problems that require solutions. Demonstrate the well owners' need for financial and technical assistance. Quantify the number of prospective borrowers or provide statistical or narrative evidence that a sufficient number of borrowers will exist to justify the grant award. Describe the service area. Provide information on the household income of the area and other demographical information. Address community needs.

5. Project Goals and Objectives

Clearly state the project goals. The objectives should clearly describe the goals and be concrete and specific enough to be quantitative or observable. They should also be feasible and relate to the purpose of the grant and loan program.

6. Project Narrative

The narrative should cover in more detail the items briefly described in the Project Summary. Demonstrate the grant applicant's experience and expertise in promoting the safe and productive use of individually-owned household water well systems. The narrative should address the following points:

a. Document the grant applicant's ability to manage and service a revolving fund. The narrative may describe the systems that are in place for the full life cycle of a loan from loan origination through servicing. If a servicing contractor will service the loan portfolio, the arrangement and services provided must be discussed.

b. Show evidence of the availability of funds from sources other than the HWWS grant. Describe the contributions the project will receive from your organization, state agencies, local government, other Federal agencies, non-government organizations, private industry, and individuals. The documentation should describe how the contributions will be used to pay your operational costs and provide financial assistance for projects.

c. Demonstrate that the organization has secured commitments of significant financial support from other funding sources.

d. List the fees and charges that borrowers will be assessed.

7. Work Plan

The work plan or scope of work must describe the tasks and activities that will be accomplished with available resources during the grant period. It must include who will carry out the activities and services to be performed and specific timeframes for completion. Describe any unusual or unique features of the project such as innovations, reductions in cost or time, or extraordinary community involvement.

8. Budget and Budget Justification

a. Use the Form SF–424A, Budget Information—Non-Construction Programs, to show your budget cost elements. The form summarizes resources as Federal and non-Federal funds and costs. ''Federal'' refers only to the HWWS Grant Program for which you are applying. ''Non-Federal'' refers to resources from your organization, state agencies, local government, other Federal agencies, non-government organizations, private industry, and individuals. Both Federal and non-Federal resources shall be detailed and justified in the budget and narrative justification.

i. Provide a budget with line item detail and detailed calculations for each budget object class identified in section B of the Budget Information form (SF–424A). Detailed calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. Also include a breakout by the funding sources identified in Block 15 of the SF–424.

ii. Provide a narrative budget justification that describes how the categorical costs are derived for all capital and administrative expenditures, the matching contribution, and other sources of funds necessary to complete the project. Discuss the necessity,

reasonableness, and allocability of the proposed costs.

iii. If the grant applicant will use a servicing contractor, the fees may be reimbursed as an administrative expense as provided in 7 CFR 1776.13. These fees must be discussed in the budget narrative. If the grant applicant will hire a servicing contractor, it must demonstrate that all procurement transactions will be conducted in a manner to provide, to the maximum extent practical, open, and free competition. Recipients must justify any anticipated procurement action that is expected to be awarded without competition and exceed the simplified acquisition threshold fixed at 41 U.S.C. 134 (currently set at $100,000).

iv. The indirect cost category should be used only when the grant applicant currently has an indirect cost rate approved by the Department of Agriculture or another cognizant Federal agency. A grant applicant that will charge indirect costs to the grant must enclose a copy of the current rate agreement. If the grant applicant is in the process of initially developing or renegotiating a rate, the grant applicant shall submit its indirect cost proposal to the cognizant agency immediately after the applicant is advised that an award will be made. In no event, shall the indirect cost proposal be submitted later than three months after the effective date of the award.

9. Evidence of Legal Authority and Existence

The applicant must provide satisfactory documentation that it is legally recognized under state or Tribal and Federal law as a private non-profit organization. The documentation also must show that it has the authority to enter into a grant agreement with RUS and to perform the activities proposed under the grant application. Satisfactory documentation includes, but is not limited to, certificates from the Secretary of State, copies of State/Tribal statutes or laws establishing your organization, and copies of your organization's articles of incorporation and bylaws. Letters from IRS awarding tax-exempt status are not considered adequate evidence.

10. List of Directors and Officers

The applicant must submit a certified list of directors and officers with their respective terms.

11. Internal Revenue Service (IRS) Tax Exempt Status

The applicant must submit evidence of tax exempt status from the IRS.

12. Financial Information and Sustainability

The applicant must submit pro forma balance sheets, income statements, and cash flow statements for the last three years and projections for three years. Additionally, the most recent audit of the applicant's organization must be submitted.

13. Evaluation Criteria

Grant applications that are complete and eligible will be scored competitively based on the following scoring criteria:

Scoring criteria	Points
Degree of expertise and experience in promoting the safe and productive use of individually-owned household water well systems and ground water.	Up to 30 points.
Degree of expertise and successful experience in making and servicing loans to individuals	Up to 20 points.
Percentage of applicant contributions. Points allowed under this paragraph will be based on written evidence of the availability of funds from sources other than the proceeds of a HWWS grant to pay part of the cost of a loan recipient's project. In-kind contributions will not be considered. Funds from other sources as a percentage of the HWWS grant and points corresponding to such percentages are as follows:	
0 to 9 percent	ineligible.
10 to 25 percent	5 points.
26 to 30 percent	10 points.
31 to 50 percent	15 points.
51 percent or more	20 points.
Extent to which the work plan demonstrates a well thought out, comprehensive approach to accomplishing the objectives of this part, clearly defines who will be served by the project, and appears likely to be sustainable.	Up to 20 points.
Extent to which the goals and objectives are clearly defined, tied to the work plan, and measurable	Up to 10 points.
Lowest ratio of projected administrative expenses to loans advanced	Up to 10 points.
Administrator's discretion, considering such factors as:	
Creative outreach ideas for marketing HWWS loans to rural residents; factors include:	Up to 10 points.
1. Directs loans to rural areas where according to the American Community Survey data by census tracts show that at least 20 percent of the population is living in poverty. Directs loans to areas which lack running water, flush toilets, and modern sewage disposal systems, and areas which have open sewers and high rates of disease caused by poor sanitation, in particular, Colonias or Substantially Underserved Trust Areas.	
2. Areas impacted by severe drought.	

13. Review Standards

a. Incomplete applications as of the deadline for submission will not be considered. If an application is determined to be incomplete, the applicant will be notified in writing and the application will be returned with no further action.

b. Ineligible applications will be returned to the applicant with an explanation.

c. Complete, eligible applications will be evaluated competitively by a review team, composed of at least two RUS employees selected from the Water Programs Division. They will make overall recommendations based on the program elements found in 7 CFR part 1776 and the review criteria presented in this notice. They will award points as described in the scoring criteria in 7 CFR 1776.9 and this notice. Each application will receive a score based on the averages of the reviewers' scores and discretionary points awarded by the RUS Administrator.

d. Applications will be ranked and grants awarded in rank order until all grant funds are expended.

e. Regardless of the score an application receives, if RUS determines that the project is technically infeasible, RUS will notify the applicant, in writing, and the application will be returned with no further action.

F. Award Administration Information

1. Award Notices

RUS will notify a successful applicant by an award letter accompanied by a

grant agreement. The grant agreement will contain the terms and conditions for the grant. The applicant must execute and return the grant agreement, accompanied by any additional items required by the award letter or grant agreement.

2. Administrative and National Policy Requirements

a. This notice, the 7 CFR part 1776, and the application guide implement the appropriate administrative and national policy requirements. Grant recipients are subject to the requirements in 7 CFR part 1776.

b. Direct Federal grants, sub-award funds, or contracts under the HWWS Grant Program shall not be used to fund inherently religious activities, such as worship, religious instruction, or proselytization. Therefore, organizations that receive direct assistance should take steps to separate, in time or location, their inherently religious activities from the services funded under the HWWS Grant Program. Regulations for the Equal Treatment for Faith-based Organizations are contained in 7 CFR part 16, which includes the prohibition against Federal funding of inherently religious activities.

3. Reporting

a. Performance Reporting. All recipients of HWWS Grant Program financial assistance must provide quarterly performance activity reports to RUS until the project is complete and the funds are expended. A final performance report is also required. The final report may serve as the last annual report. The final report must include an evaluation of the success of the project.

b. Financial Reporting. All recipients of HWWS Grant Program financial assistance must provide an annual audit, beginning with the first year a portion of the financial assistance is expended. The Non-Federal Entity (formerly called Grantee) will provide an audit report or financial statements as follows:

c. Non-Federal Entities expending $750,000 or more Federal funds per fiscal year will submit an audit conducted in accordance with 2 CFR part 200 or successor guidance. The audit will be submitted within nine months after the Non-Federal Entity's fiscal year ends. Additional audits may be required if the project period covers more than one fiscal year.

d. Non-Federal Entities expending less than $750,000 will provide annual financial statements covering the grant period, consisting of the organization's statement of income and expense and balance sheet signed by an appropriate official of the organization. Financial statements will be submitted within 90 days after the Non-Federal Entity's fiscal year ends.

e. Recipient and Subrecipient Reporting. The applicant must have the necessary processes and systems in place to comply with the reporting requirements for first-tier sub-awards and executive compensation under the Federal Funding Accountability and Transparency Act of 2006 in the event the applicant receives funding unless such applicant is exempt from such reporting requirements pursuant to 2 CFR 170.110(b). The reporting requirements under the Transparency Act pursuant to 2 CFR part 170 are as follows:

i. First Tier Sub-Awards of $25,000 or more in non-Recovery Act funds (unless they are exempt under 2 CFR part 170) must be reported by the Recipient to *http://www.fsrs.gov/* no later than the end of the month following the month the obligation was made.

ii. The Total Compensation of the Recipient's Executives (five most highly compensated executives) must be reported by the Recipient (if the Recipient meets the criteria under 2 CFR part 170) to *https://www.sam.gov/portal/public/SAM/* by the end of the month following the month in which the award was made.

iii. The Total Compensation of the Subrecipient's Executives (5 most highly compensated executives) must be reported by the Subrecipient (if the Subrecipient meets the criteria under 2 CFR part 170) to the Recipient by the end of the month following the month in which the subaward was made.

G. Agency Contacts

1. Website: http://www.rd.usda.gov/programs-services/household-water-well-system-grants.

2. Phone: Derek Jones, 202–720–9640.

3. Fax: 202–690–0649.

4. Email: derek.jones@wdc.usda.gov.

5. Main point of contact: Derek Jones, Community Programs Specialist, Water and Environmental Programs, Rural Utilities Service, Rural Development, U.S. Department of Agriculture.

H. USDA Non-Discrimination Statement

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

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

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *http://www.ascr.usda.gov/complaint_filing_cust.html* and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by:

(1) *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410;

(2) fax: (202) 690–7442; or

(3) email: *program.intake@usda.gov.*

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

Dated: June 1, 2018.

Kenneth L. Johnson,

Administrator, Rural Utilities Service.

[FR Doc. 2018–13237 Filed 6–19–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Announcement of Grant and Loan Application Deadlines

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of funds availability and solicitation of applications (NOFA).

SUMMARY: The Rural Utilities Service (RUS) announces its Revolving Fund Program (RFP) application window and funds availability for Fiscal Year (FY) 2018. The Agency will make available $1,000,000 in grant funds to qualified private, non-profit organizations to establish a lending program for eligible entities. The Agency encourages

applications that will support recommendations made in the Rural Prosperity Task Force report to help improve life in rural America. *www.usda.gov/ruralprosperity.* Applicants are encouraged to consider projects that provide measurable results in helping rural communities build robust and sustainable economies through strategic investments in infrastructure, partnerships and innovation. Key strategies include:

- Achieving e-Connectivity for Rural America
- Developing the Rural Economy
- Harnessing Technological Innovation
- Supporting a Rural Workforce
- Improving Quality of Life

DATES: You may submit completed applications for grants on paper or electronically according to the following deadlines:

- Paper copies must be postmarked and mailed, shipped, or sent overnight no later than July 20, 2018 to be eligible for FY 2018 grant funding. Late or incomplete applications will not be eligible for FY 2018 grant funding. Prior to official submission of applications, applicants may request technical assistance or other application guidance from the Agency, as long as such requests are made prior to July 5, 2018. The Agency will not solicit or consider scoring or eligibility information that is submitted after the application deadline. The Agency reserves the right to contact applications to seek clarification information on materials contained in the submitted application.
- Electronic copies must be received by July 20, 2018 to be eligible for FY 2018 grant funding. Late or incomplete applications will not be eligible for FY 2018 grant funding. Prior to official submission of applications, applicants may request technical assistance or other application guidance from the Agency, as long as such requests are made prior to July 5, 2018. The Agency will not solicit or consider scoring or eligibility information that is submitted after the application deadline. The Agency reserves the right to contact applications to seek clarification information on materials contained in the submitted application.

ADDRESSES: You may obtain application guides and materials for the RFP program at the Water and Environmental Programs (WEP) website: *http://www.rd.usda.gov/programs-services/water-waste-disposal-revolving-loan-funds.* You may also request application guides and materials by contacting Derek Jones at (202) 720–9640.

Submit electronic grant applications at *http://www.grants.gov/* and follow the instructions on the website.

Submit completed paper applications for RFP grants to: Rural Utilities Service, Rural Development, U.S. Department of Agriculture, 1400 Independence Avenue SW, STOP 1570, Room 2233–S, Washington, DC 20250–1570. Applications should be marked Attention: Derek Jones, Water and Environmental Programs.

FOR FURTHER INFORMATION CONTACT: Derek Jones, Community Programs Specialist, Water and Environmental Programs, Rural Utilities Service, Rural Development, U.S. Department of Agriculture, 1400 Independence Avenue SW, STOP 1570, Room 2233–S, Washington, DC 20250–1570; Telephone: (202) 720–9640: Fax: (202) 690–0649.

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency: Rural Utilities Service (RUS), USDA.

Funding Opportunity Title: Grant Program to Establish a Fund for Financing Water and Wastewater Projects (Revolving Fund Program (RFP)).

Announcement Type: Notice of Funds Availability (NOFA).

Catalog of Federal Domestic Assistance (CFDA) Number: 10.864.

Due Date for Applications: Applications must be mailed, shipped or submitted electronically through *Grants.gov* no later than July 20, 2018 to be eligible for FY 2018 grant funding. See Section D of this notice for details.

The RFP is authorized under section 306(a)(2)(B) of the Consolidated Farm and Rural Development Act (Con Act), 7 U.S.C. 1926(a)(2)(B). Eligible entities for the revolving loan fund will be the same entities eligible, under paragraph 1 or 2 of Section 306(a) of the Con Act, 7 U.S.C. 1926(a)(1) or (b)(2), to obtain a loan, loan guarantee, or grant from the RUS Water, Waste Disposal, and Wastewater loan and grant programs.

Items in Supplementary Information

A. *Program Description:* Brief introduction to the RFP.

B. *Federal Award Information:* Available funds.

C. *Eligibility Information:* Who is eligible, what kinds of projects are eligible, what criteria determine basic eligibility.

D. *Application and Submission Information:* Where to get application materials, what constitutes a completed application, how and where to submit applications, deadlines, items that are eligible.

E. *Application Review Information:* Considerations and preferences, scoring criteria, review standards, selection information.

F. *Federal Award Administration Information:* Award notice information, award recipient reporting requirements.

G. *Federal Awarding Agency Contacts:* website, phone, fax, email, contact name.

H. *Other Information:* Non-discrimination Statement.

A. Program Description

Drinking water systems are basic and vital to both health and economic development. With dependable water facilities, rural communities can attract families and businesses that will invest in the community and improve the quality of life for all residents. Without dependable water facilities, the communities cannot sustain economic development.

RUS provides financial and technical assistance to help communities bring safe drinking water and sanitary, environmentally sound waste disposal facilities to rural Americans. It supports the sound development of rural communities and the growth of our economy without endangering the environment.

The RFP was established under 7 U.S.C. part 1783 to assist communities with water or wastewater systems. Qualified private, non-profit organizations, who are selected for funding, will receive RFP grant funds to establish a lending program for eligible entities. Eligible entities for the revolving loan fund will be those entities eligible under 7 U.S.C.1926(a)(1) and (2) to obtain a loan, loan guarantee, or grant from the Water and Waste Disposal loan and grant programs administered by RUS. As grant recipients, the non-profit organizations will set up a revolving loan fund to provide loans to finance predevelopment costs of water or wastewater projects, or short-term small capital projects not part of the regular operation and maintenance of current water and wastewater systems. The amount of financing to an eligible entity shall not exceed $100,000 and shall be repaid in a term not to exceed 10 years. The rate shall be determined in the approved grant work plan.

B. Federal Award Information

Available funds: $1,000,000.

C. Eligibility Information

1. Eligible Applicants

An applicant is eligible to apply for the RFP grant if it:

a. Is a private, non-profit organization;

b. Is legally established and located within one of the following:

i. A state within the United States;

ii. The District of Columbia;

iii. The Commonwealth of Puerto Rico; or

iv. A United States territory;

c. Has the legal capacity and authority to carry out the grant purpose;

d. Has a proven record of successfully operating a revolving loan fund to rural areas;

e. Has capitalization acceptable to the Agency, and is composed of at least 51 percent of the outstanding interest or membership being citizens of the United States or individuals who reside in the United States after being legally admitted for permanent residence;

f. Has no delinquent debt to the Federal government or no outstanding judgments to repay a Federal debt;

g. Demonstrates that it possesses the financial, technical, and managerial capability to comply with Federal and state laws and requirements; and,

h. Is not a corporation that has been convicted of a felony (or had an officer or agent acting on behalf of the corporation convicted of a felony) within the past 24 months. Any Corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability is not eligible.

2. Cost Sharing or Matching

Applicants must contribute at least 20 percent of funds from sources other than the proceeds of an RFP grant to pay part of the cost of a loan recipient's project. In-kind contribution will not be considered.

3. Other: The Basic Eligibility Requirements for a Project

a. The following activities are authorized under the RFP statute:

i. Grant funds must be used to capitalize a revolving fund program for the purpose of providing direct loan financing to eligible entities for pre-development costs associated with proposed or with existing water and wastewater systems, or,

ii. Short-term costs incurred for equipment replacement, small-scale extension of services, or other small capital projects that are not part of the regular operations and maintenance activities of existing water and wastewater systems.

b. Grant funds may not be used to pay any of the following:

i. Payment of the Grant Recipient's administrative costs or expenses, or,

ii. Delinquent debt owed to the Federal Government.

D. Application and Submission Information

1. Address To Request Application Package

a. *The internet: http://www.rd.usda.gov/programs-services/water-waste-disposal-revolving-loan-funds* or *Grants.gov* website: *http://www.grants.gov/.*

b. For paper copies of these materials, you may call (202) 720–9583.

2. Content and Form of Application Submission

a. You may file an application in either paper or electronic format. To be considered for support, you must be an eligible entity and must submit a complete application by the deadline date. Applicants should consult the cost principles and general administrative requirements for grants pertaining to their organizational type in order to prepare the budget and complete other parts of the application. You also must demonstrate compliance (or intent to comply), through certification or other means, with a number of public policy requirements. Applications should be prepared in conformance with 7 CFR part 1783, and departmental and other applicable regulations including 2 CFR parts 180, 182, 200, 400 and 421, or any successor regulations.

Whether you file a paper or an electronic application, you will need a DUNS number and must be registered in the System for Award Management (SAM). Detailed information on obtaining a DUNS number and registering for SAM may be found in section D(3).

b. Applicants must complete and submit the following forms to apply for a RFP grant:

i. Standard Form 424, ''Application for Federal Assistance.''

ii. Standard Form 424A, ''Budget Information—Non-Construction Programs.''

iii. Standard Form 424B, ''Assurances—Non-Construction Programs.''

iv. Standard Form LLL, ''Disclosure of Lobbying Activity.''

v. Form RD 400–1, ''Equal Opportunity Agreement.''

vi. Form RD 400–4, ''Assurance Agreement (Under Title VI, Civil Rights Act of 1964).''

c. The project proposal should outline the project in sufficient detail to provide a reader with a complete understanding of how the loan program will work. Explain what you will accomplish by lending funds to eligible entities. Demonstrate the feasibility of the proposed loan program in meeting the objectives of this grant program. The proposal should cover the following elements:

i. Present a brief project overview. Explain the purpose of the project, how it relates to RUS's purposes, how you will carry out the project, what the project will produce, and who will direct it.

ii. Describe why the project is necessary. Demonstrate that eligible entities need loan funds. Quantify the number of prospective borrowers or provide statistical or narrative evidence that a sufficient number of borrowers will exist to justify the grant award. Describe the service area. Address community needs.

iii. Clearly state your project goals. Your objectives should clearly describe the goals and be concrete and specific enough to be quantitative or observable. They should also be feasible and relate to the purpose of the loan program.

iv. The narrative should cover in more detail the items briefly described in the Project Summary. It should establish the basis for any claims that you have substantial expertise in promoting the safe and productive use of revolving funds. In describing what the project will achieve, you should tell the reader if it also will have broader influence. The narrative should address the following points:

(1) Document your ability to administer and service a revolving fund in accordance with the provisions of 7 CFR part 1783.

(2) Document your ability to commit financial resources to establish the RFP with funds your organization controls. This documentation should describe the sources of funds other than the RFP grant that will be used to pay your operational costs and provide financial assistance for projects.

(3) Demonstrate that you have secured commitments of significant financial support from other funding sources, if appropriate.

(4) List the fees and charges that borrowers will be assessed.

v. The work plan must describe the tasks and activities that will be accomplished with available resources during the grant period. It must show the work you plan to do to achieve the anticipated outcomes, goals, and objectives set out for the RFP. The plan must:

(1) Describe the work to be performed by each person.

(2) Give a schedule or timetable of work to be done.

(3) Show evidence of previous experience with the techniques to be used or their successful use by others.

(4) Outline the loan program to include the following: Specific loan purposes, a loan application process, priorities, borrower eligibility criteria, limitations, fees, interest rates, terms, and collateral requirements.

(5) Provide a marketing plan.

(6) Explain the mechanics of how you will transfer loan funds to the borrowers.

(7) Describe follow-up or continuing activities that should occur after project completion such as monitoring and reporting borrowers' accomplishments.

(8) Describe how the results will be evaluated. The evaluation criteria should be in line with the project objectives.

(9) List all personnel responsible for administering this program along with a statement of their qualifications and experience.

vi. The written justification for projected costs should explain how budget figures were determined for each category. It should indicate which costs are to be covered by grant funds and which costs will be met by your organization or other organizations. The justification should account for all expenditures discussed in the narrative. It should reflect appropriate cost-sharing contributions. The budget justification should explain the budget and accounting system proposed or in place. The administrative costs for operating the budget should be expressed as a percentage of the overall budget. The budget justification should provide specific budget figures, rounding off figures to the nearest dollar. Applicants should consult 2 CFR 200, Subpart E, ''Cost Principals,'' for information about appropriate costs for each budget category.

vii. In addition to completing the standard application forms, you must submit:

(1) Supplementary material that demonstrate that your organization is legally recognized under state or Tribal and Federal law. Satisfactory documentation includes, but is not limited to, certificates from the Secretary of State, or copies of state statutes or laws establishing your organization. Letters from the IRS awarding tax-exempt status are not considered adequate evidence.

(2) A certified list of directors and officers with their respective terms.

(3) Evidence of tax exempt status from the IRS.

(4) The most recent audit of your organization.

(5) The following financial statements:

(a) Pro forma balance sheet at start-up and for at least three additional years; Balance sheets, income statements, and cash flow statements for the last three years.

(b) If your organization has been formed less than three years, the financial statements should be submitted for the periods from inception to the present. Projected income and cash flow statements for at least three years supported by a list of assumptions showing the basis for the projections. The projected income statement and balance sheet must include one set of projections that shows the revolving loan fund only and a separate set of projections that shows your organization's total operations.

(6) Additional information to support and describe your plan for achieving the grant objectives. The information may be regarded as essential for understanding and evaluating the project and may be found in letters of support, as resolutions, policies, and other relevant documents. The supplements may be presented in appendices to the proposal.

d. Compliance with other federal statutes. The applicant must provide evidence of compliance with other federal statutes, including but not limited to the following:

i. Debarment and suspension information is required in accordance with 2 CFR part 417 (Nonprocurement Debarment and Suspension) supplemented by 2 CFR part 180, if it applies. The section heading is ''What information must I provide before entering into a covered transaction with the Federal Government?'' located at 2 CFR 180.335. It is part of OMB's Guidance for Grants and Agreements concerning Government-wide Debarment and Suspension.

ii. All of your organization's known workplaces by including the actual address of buildings (or parts of buildings) or other sites where work under the award takes place. Workplace identification is required under the drug-free workplace requirements in Subpart B of 2 CFR part 421, which adopts the Government-wide implementation (2 CFR part 182) of the Drug-Free Workplace Act.

iii. 2 CFR parts 200 and 400 (Uniform Assistance Requirements, Cost Principles and Audit Requirements for Federal Awards).

iv. 2 CFR part 182 (Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)) and 2 CFR part 421 (Requirements for Drug Free Workplace (Financial Assistance)).

v. Executive Order 13166, ''Improving Access to Services for Persons with Limited English Proficiency.'' For information on limited English proficiency and agency-specific guidance, go to *http://www.LEP.gov.*

e. Requirements for numbers of copies of submitted applications.

i. Send or deliver paper applications by the U.S. Postal Service (USPS) or courier delivery services to: USDA, Rural Development, Rural Utilities Service, Water and Environmental Programs, 1400 Independence Avenue SW, Attention: Derek Jones, Mail STOP 1570, Room 2233–S, Washington, DC 20250–1570.

ii. For paper applications mail or ensure delivery of an original paper application (no stamped, photocopied, or initialed signatures) and two copies by the deadline date. The application and any materials sent with it become Federal records by law and cannot be returned to you.

iii. Electronically submitted applications:

(1) Applications will not be accepted by fax or electronic mail.

(2) Electronic applications for grants will be accepted if submitted through *Grants.gov.*

(3) Applicants must preregister successfully with *Grants.gov* to use the electronic applications option. Application information may be downloaded from *Grants.gov* without preregistration.

(4) Applicants who apply through *Grants.gov* should submit their electronic applications before the deadline.

(5) *Grants.gov* contains full instructions on all required passwords, credentialing, and software. Follow the instructions at *Grants.gov* for registering and submitting an electronic application.

(6) *Grants.gov* has two preregistration requirements: A DUNS number and an active registration in the SAM. See section D(3) below for instructions on obtaining a DUNS number and registering in the SAM.

3. Unique Entity Identifier and System for Award Management (SAM)

The applicant for a grant must supply a Dun and Bradstreet Data Universal Numbering System (DUNS) number as part of an application. The Standard Form 424 (SF–424) contains a field for the DUNS number. The applicant can obtain the DUNS number free of charge by calling Dun and Bradstreet. Please see *http://fedgov.dnb.com/webform* for more information on how to obtain a DUNS number or how to verify your organization's number. In accordance with 2 CFR part 25, whether applying electronically or by paper, the applicant must register in the System for Award Management (SAM) prior to submitting

an application. Applicants may register for the SAM at *https://www.sam.gov/portal/SAM/#1.* The SAM registration must remain active with current information at all times while RUS is considering an application or while a Federal Grant award or loan is active. To remain registered in the SAM database the applicant must review and update the information in the SAM database annually from date of initial registration or from the date of the last update. The applicant must ensure that the information in the database is current, accurate, and complete.

4. Submission Dates and Times

You may submit completed applications for grants on paper or electronically according to the following deadlines:

a. Paper copies must be postmarked and mailed, shipped, or sent overnight no later than July 20, 2018 to be eligible for FY 2018 grant funding. Late or incomplete applications will not be eligible for FY 2018 grant funding.

b. Electronic copies must be received by July 20, 2018 to be eligible for FY 2018 grant funding. Late or incomplete applications will not be eligible for FY 2018 grant funding.

5. Funding Restrictions

Grant proceeds may be used solely to establish the revolving loan fund to provide loans to eligible entities for: Pre-development costs associated with proposed or existing water and wastewater projects, and short-term costs incurred for replacement equipment or other small capital projects not part of regular operations and maintenance of existing water and wastewater systems. Grant recipients may not use grant funds in any manner inconsistent with the purposes described in 7 CFR 1783.12 or in the terms of the grant agreement. Administrative expenses may, however, be paid or reimbursed from revolving loan fund assets that are not RFP grant funds, including revolved funds and funds originally contributed by the grant recipient.

E. Application Review Information

Within 30 days of receiving your application, RUS will send you a letter of acknowledgment. Your application will be reviewed for completeness to determine if you included all of the items required. If your application is incomplete or ineligible, RUS will return it to you with an explanation. A review team, composed of at least two RUS staff members, will evaluate all applications and proposals. They will make overall recommendations based on factors such as eligibility, application completeness, and conformity to application requirements. They will score the applications based on criteria in the following section.

1. Criteria

All applications that are complete and eligible will be ranked competitively based on the following scoring criteria:

a. Degree of expertise and successful experience in making and servicing commercial loans, with a successful record, for the following number of full years:

i. At least 1 but less than 3 years—5 points.

ii. At least 3 but less than 5 years—10 points.

iii. At least 5 but less than 10 years—20 points.

v. 10 or more years—30 points.

b. Extent to which the work plan demonstrates a well thought out, comprehensive approach to accomplishing the objectives of this part, clearly defines who will be served by the project, clearly articulates the problem/issues to be addressed, identifies the service area to be covered by the RFP loans and appears likely to be sustainable; Up to 40 points.

c. Percentage of applicant contributions. Points allowed under this paragraph will be based on written evidence of the availability of funds from sources other than the proceeds of an RFP grant to pay part of the cost of a loan recipient's project. In-kind contributions will not be considered. Funds from other sources as a percentage of the RFP grant and points corresponding to such percentages are as follows:

i. Less than 20 percent—ineligible.

ii. At least 20 percent but less than 50 percent—10 points.

iii. 50 percent or more—20 points.

d. Extent to which the goals and objectives are clearly defined, tied to the work plan, and are measurable; Up to 15 points.

e. Lowest ratio of projected administrative expenses to loans advanced; Up to 10 points.

f. The evaluation methods for considering loan applications and making RFP loans are specific to the program, clearly defined, measurable, and are consistent with program outcomes; Up to 20 points.

g. Administrator's discretion points up to 10 points may be awarded. To the maximum extent possible, there should be an emphasis on high poverty areas in rural communities and rural areas with the lowest incomes, particularly those areas with emphasis to areas where at least 45 percent of children qualify for the National School Lunch Program. Factors include:

i. Directs loans to the smallest communities with the lowest incomes emphasizing areas where according to the American Community Survey data by census tracts show that at least 20 percent of the population is living in poverty.

ii. Directs loans to areas which lack running water, flush toilets, and modern sewage disposal systems, and areas which have open sewers and high rates of disease caused by poor sanitation, in particular, Colonias or Substantially Underserved Trust Areas.

iii. Directs loans that emphasize energy and water efficient components to reduce costs and increase sustainability of rural systems.

2. Review and Selection Process

RUS will rank all qualifying applications by their final score. Applications will be selected for funding, based on the highest scores and the availability of funding for RFP grants. Each applicant will be notified in writing of the score its application receives. This year administrative discretion points may be awarded for work plans that:

a. Direct loans to the smallest communities with the lowest incomes emphasizing areas where according to the American Community Survey data by census tracts show that at least 20 percent of the population is living in poverty.

b. Direct loans to areas that lack running water, flush toilets, and modern sewage disposal systems, and areas which have open sewers and high rates of disease caused by poor sanitation, in particular, Colonias or Substantially Underserved Trust Areas.

c. Direct loans that emphasize energy and water efficient components to reduce costs and increase sustainability of rural systems.

d. In making its decision about your application, RUS may determine that your application is:

i. Eligible and selected for funding,

ii. Eligible but offered fewer funds than requested,

iii. Eligible but not selected for funding, or

iv. Ineligible for the grant.

e. In accordance with 7 CFR part 1900, subpart B, you generally have the right to appeal adverse decisions. Some adverse decisions cannot be appealed. For example, if you are denied RUS funding due to a lack of funds available for the grant program, this decision cannot be appealed. However, you may make a request to the National Appeals Division (NAD) to review the accuracy

of our finding that the decision cannot be appealed. The appeal must be in writing and filed at the appropriate regional office, which can be found at *www.nad.usda.gov* or by calling (703) 305–1166.

F. Federal Award Administration Information

1. Federal Award Notices

RUS generally notifies by mail applicants whose projects are selected for awards. However, the receipt of an award letter does not serve to authorize the applicant to commence performance under the award. RUS follows the award letter with an agreement containing terms and conditions for the grant. Applicants selected for funding will complete and return grant agreement, which outlines the terms and conditions of the grant award.

2. Administrative and National Policy Requirements

The items listed in Section D of this notice, the RFP program regulation and departmental and other regulations including 2 CFR parts 180, 182, 200, 400, 421, and any successor regulations implement the appropriate administrative and national policy requirements, which include but are not limited to:

a. SF–270, ''Request for Advance or Reimbursement,'' will be completed by the Non-Federal Entity and submitted to either the state or national office no more frequently than monthly.

b. Upon receipt of a properly completed SF–270, the funds will be requested through the field office terminal system. Ordinarily, payment will be made within 30 days after receipt of a proper request for reimbursement.

c. Non-Federal Entities may use women- and minority-owned banks (a bank which is owned at least 50 percent by women or minority group members) for the deposit and disbursement of funds.

3. Reporting

a. Any change in the scope of the project, budget adjustments of more than 10 percent of the total budget, or any other significant change in the project must be reported to and approved by the approval official by written amendment to the grant agreement. Any change not approved may be cause for termination of the grant.

b. Non-Federal Entities shall constantly monitor performance to ensure that time schedules are being met, projected work by time periods is being accomplished, and other performance objectives are being achieved. The Non-Federal Entity will provide project reports as follows:

i. SF–425, ''Financial Status Report (short form),'' and a project performance activity report will be required of all Non-Federal Entities on a quarterly basis, due 30 days after the end of each quarter.

ii. A final project performance report will be required with the last SF–425 due 90 days after the end of the last quarter in which the project is completed. The final report may serve as the last quarterly report.

iii. All multi-State Non-Federal Entities are to submit an original of each report to the National Office. Non-Federal Entities serving only one State are to submit an original of each report to the State Office. The project performance reports should detail, preferably in a narrative format, activities that have transpired for the specific time period.

c. Financial reporting. The Non-Federal Entity will provide an audit report or financial statements as follows:

i. Non-Federal Entities expending $750,000 or more Federal funds per fiscal year will submit an audit conducted in accordance with 2 CFR part 200. The audit will be submitted within nine months after the Non-Federal Entity's fiscal year. Additional audits may be required if the project period covers more than one fiscal year.

ii. Non-Federal Entities expending less than $750,000 will provide annual financial statements covering the grant period, consisting of the organization's statement of income and expense and balance sheet signed by an appropriate official of the organization. Financial statements will be submitted within 90 days after the Non-Federal Entity's fiscal year.

iii. Recipient and Subrecipient Reporting. The applicant must have the necessary processes and systems in place to comply with the reporting requirements for first-tier sub-awards and executive compensation under the Federal Funding Accountability and Transparency Act of 2006 in the event the applicant receives funding unless such applicant is exempt from such reporting requirements pursuant to 2 CFR part 170, § 170.110(b). The reporting requirements under the Transparency Act pursuant to 2 CFR part 170 are as follows:

(1) First Tier Sub-Awards of $25,000 or more in non-Recovery Act funds (unless they are exempt under 2 CFR part 170) must be reported by the Recipient to *http://www.fsrs.gov* no later than the end of the month following the month the obligation was made.

(2) The Total Compensation of the Recipient's Executives (five most highly compensated executives) must be reported by the Recipient (if the Recipient meets the criteria under 2 CFR part 170) to *https://www.sam.gov/portal/SAM/#1* by the end of the month following the month in which the award was made.

(3) The Total Compensation of the Subrecipient's Executives (five most highly compensated executives) must be reported by the Subrecipient (if the Subrecipient meets the criteria under 2 CFR part 170) to the Recipient by the end of the month following the month in which the subaward was made.

G. Federal Awarding Agency Contacts

1. *Website: http://www.rd.usda.gov/programs-services/water-waste-disposal-revolving-loan-funds.* The RUS website maintains up-to-date resources and contact information for the RFP.

2. *Phone:* (202) 720–9640.

3. *Fax:* (202) 690–0649.

4. *Email: derek.jones@wdc.usda.gov.*

5. *Main point of contact:* Derek Jones, Community Programs Specialist, Water and Environmental Programs, Rural Utilities Service, Rural Development, U.S. Department of Agriculture.

H. Other Information

1. USDA Non-Discrimination Statement

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

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

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *http://www.ascr.usda.gov/complaint_filing_cust.html* and at any USDA office or write a letter addressed to USDA and provide in the letter all the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by:

(1) *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410;

(2) *fax:* (202) 690–7442; or

(3) *email: program.intake@usda.gov.*

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

Dated: June 1, 2018.

Kenneth L. Johnson,

Administrator, Rural Utilities Service.

[FR Doc. 2018–13235 Filed 6–19–18; 8:45 am]

BILLING CODE 3410–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Nevada Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Nevada Advisory Committee (Committee) to the Commission will be held at 1:00 p.m. (Pacific Time) Thursday, June 21, 2018, for the purpose of discussing community policing and crime reduction efforts as recommended in the President's report on 21st Century policing.

DATES: The meeting will be held on Thursday, June 21, 2018, at 1:00 p.m. PT.

ADDRESSES: Public call information:

Dial: 877–260–1479

Conference ID: 5720042

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 877–260–1479, conference ID number: 5720042. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed Ana Victoria Fortes at *afortes@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *http://facadatabase.gov/committee/meetings.aspx?cid=261.* Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Approve minutes from May 31, 2018 meeting
III. Discuss civil rights issues related to community policing and crime reduction efforts
IV. Public Comment
V. Next Steps
VI. Adjournment

Exceptional Circumstance: Pursuant to 41 CFR 102–3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstance of staffing limitations that require immediate action.

Dated: June 15, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–13251 Filed 6–19–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Sensors and Instrumentation Technical Advisory Committee; Notice of Partially Closed Meeting

The Sensors and Instrumentation Technical Advisory Committee (SITAC) will meet on July 24, 2018, 9:30 a.m., in the Herbert C. Hoover Building, Room 3884, 14th Street between Constitution and Pennsylvania Avenues NW, Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to sensors and instrumentation equipment and technology.

Agenda

Public Session

1. Welcome and Introductions.
2. Remarks from the Bureau of Industry and Security Management.
3. Industry Presentations.
4. New Business.

Closed Session

5. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov* no later than July 17, 2018.

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that the materials be forwarded before the meeting to Ms. Springer.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on February 13, 2018 pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5

U.S.C. app. 2 10(d), that the portion of this meeting dealing with pre-decisional changes to the Commerce Control List and U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information contact Yvette Springer on (202) 482–2813.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2018–13174 Filed 6–19–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Commerce Spectrum Management Advisory Committee Meeting

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

ACTION: Notice of open meeting.

SUMMARY: This notice announces a public meeting of the Commerce Spectrum Management Advisory Committee (Committee). The Committee provides advice to the Assistant Secretary of Commerce for Communications and Information and the National Telecommunications and Information Administration (NTIA) on spectrum management policy matters.

DATES: The meeting will be held on July 24, 2018, from 9:00 a.m. to 12:00 p.m., Mountain Daylight Time (MDT).

ADDRESSES: The meeting will be held at the Renaissance Boulder Flatiron Hotel, 500 Flatiron Boulevard, Broomfield, CO 80021. Public comments may be mailed to Commerce Spectrum Management Advisory Committee, National Telecommunications and Information Administration, 1401 Constitution Avenue NW, Room 4600, Washington, DC 20230 or emailed to *dreed@ntia.doc.gov.*

FOR FURTHER INFORMATION CONTACT: David J. Reed, Designated Federal Officer, at (202) 482–5955 or *dreed@ntia.doc.gov;* and/or visit NTIA's website at *https://www.ntia.doc.gov/category/csmac.*

SUPPLEMENTARY INFORMATION:

Background: The Committee provides advice to the Assistant Secretary of Commerce for Communications and Information on needed reforms to domestic spectrum policies and management in order to: License radio frequencies in a way that maximizes public benefits; keep wireless networks as open to innovation as possible; and make wireless services available to all Americans. *See* Charter at *https://www.ntia.doc.gov/files/ntia/publications/csmac_signed_charter_9-30-17.pdf*

This Committee is subject to the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, and is consistent with the National Telecommunications and Information Administration Act, 47 U.S.C. 904(b). The Committee functions solely as an advisory body in compliance with the FACA. For more information about the Committee visit: *https://www.ntia.doc.gov/category/csmac.*

Matters To Be Considered: The Committee provides advice to the Assistant Secretary to assist in developing and maintaining spectrum management policies that enable the United States to maintain or strengthen its global leadership role in the introduction of communications technology, services, and innovation; thus expanding the economy, adding jobs, and increasing international trade, while at the same time providing for the expansion of existing technologies and supporting the country's homeland security, national defense, and other critical needs of government missions. NTIA will post a detailed agenda on its website, *https://www.ntia.doc.gov/category/csmac,* prior to the meeting. To the extent that the meeting time and agenda permit, any member of the public may speak to or otherwise address the Committee regarding the agenda items. *See Open Meeting and Public Participation Policy,* available at *https://www.ntia.doc.gov/category/csmac.*

Time and Date: The meeting will be held on July 24, 2018, from 9:00 a.m. to 12:00 p.m. MDT. The meeting time and the agenda topics are subject to change. The meeting will be available via two-way audio link and may be webcast. Please refer to NTIA's website, *https://www.ntia.doc.gov/category/csmac,* for the most up-to-date meeting agenda and access information.

Place: The meeting will be held at Renaissance Boulder Flatiron Hotel, 500 Flatiron Boulevard, Broomfield, CO 80021. The meeting will be open to the public and members of the press on a first-come, first-served basis as space is limited. The public meeting is physically accessible to people with disabilities. Individuals requiring accommodations, such as sign language interpretation or other auxiliary aids, are asked to notify Mr. Reed at (202) 482–5955 or *dreed@ntia.doc.gov* at least ten (10) business days before the meeting.

Status: Interested parties are invited to attend and to submit written comments to the Committee at any time before or after the meeting. Parties wishing to submit written comments for consideration by the Committee in advance of a meeting may send them via postal mail to Commerce Spectrum Management Advisory Committee, National Telecommunications and Information Administration, 1401 Constitution Avenue NW, Room 4600, Washington, DC 20230. It would be helpful if paper submissions also include a compact disc (CD) that contains the comments in Microsoft Word and/or PDF file formats. CDs should be labeled with the name and organizational affiliation of the filer. Alternatively, comments may be submitted via electronic mail to *dreed@ntia.doc.gov* and should also be in one or both of the file formats specified above. Comments must be received five (5) business days before the scheduled meeting date in order to provide sufficient time for review. Comments received after this date will be distributed to the Committee, but may not be reviewed prior to the meeting.

Records: NTIA maintains records of all Committee proceedings. Committee records are available for public inspection at NTIA's Washington, DC office at the address above. Documents including the Committee's charter, member list, agendas, minutes, and reports are available on NTIA's website at *https://www.ntia.doc.gov/category/csmac.*

Dated: June 15, 2018.

Kathy Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2018–13238 Filed 6–19–18; 8:45 am]

BILLING CODE 3510–60–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice To Extend Collection 3038–0092; Customer Clearing Documentation and Timing of Acceptance for Clearing

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (CFTC) is announcing an opportunity for public comment on the extension of a collection of certain information by the agency. Under the Paperwork Reduction

Act (''PRA''), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information and to allow 60 days for public comment. This notice solicits comments on the obligation to maintain records related to clearing documentation between the customer and the customer's clearing member.

DATES: Comments must be submitted on or before August 20, 2018.

ADDRESSES: You may submit comments, identified by OMB Control No. 3038–0092, by any of the following methods:

- *The Agency's Website*, at *http://comments.cftc.gov/.* Follow the instructions for submitting comments through the website.
- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.

Please submit your comments using only one method.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov.*

FOR FURTHER INFORMATION CONTACT: Christopher Hower, Special Counsel, Division of Clearing and Risk, Commodity Futures Trading Commission, (202) 418–6703; email: *chower@cftc.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA, 44 U.S.C. 3501 *et seq.,* 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 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 before submitting the collection to OMB for approval. To comply with this requirement, the CFTC is publishing notice for the extension of the collection of information listed below. 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.

Title: Customer Clearing Documentation and Timing of Acceptance for Clearing (OMB Control No. 3038–0092). This is a request for extension of a currently approved information collection.

Abstract: Section 4d(c) of the CEA, as amended by the Dodd-Frank Act, directs the Commission to require futures commission merchants to implement conflict of interest procedures that address such issues the Commission determines to be appropriate. Similarly, section 4s(j)(5), as added by the Dodd-Frank Act, requires swap dealers and major swap participants to implement conflict of interest procedures that address such issues the Commission determines to be appropriate. Section 4s(j)(5) also requires swap dealers and major swap participants to ensure that any persons providing clearing activities or making determinations as to accepting clearing customers are separated by appropriate informational partitions from persons whose involvement in pricing, trading, or clearing activities might bias their judgment or contravene the core principle of open access. Section 4s(j)(6) of the CEA prohibits a swap dealer and major swap participant from adopting any process or taking any action that results in any unreasonable restraint on trade or imposes any material anticompetitive burden on trading or clearing, unless necessary or appropriate to achieve the purposes of the Act. Section 2(h)(1)(B)(ii) of the CEA requires that derivatives clearing organization rules provide for the non-discriminatory clearing of swaps executed bilaterally or through an unaffiliated designated contract market or swap execution facility.

Pursuant to these provisions, the Commission promulgated § 1.71(d)(1) relating to FCMs and § 23.605(d)(1) relating to swap dealers and major swap participants. These regulations would prohibit swap dealers and major swap participants from interfering or attempting to influence the decisions of affiliated FCMs with regard to the provision of clearing services and activities and would prohibit FCMs from permitting them to do so. Also, § 23.607 prohibits a swap dealer and major swap participant from adopting any process or taking any action that results in any unreasonable restraint on trade or imposes any material anticompetitive burden on trading or clearing, unless necessary or appropriate to achieve the purposes of the Act. Additionally, § 39.12(b)(3) requires that derivatives clearing organization rules provide for the non-discriminatory clearing of swaps executed bilaterally or through an unaffiliated designated contract market or swap execution facility. Sections 1.71(f) and 23.605(f) provide that records be maintained pursuant to Commission Regulation 1.31.

As discussed further below, the additional information collection burden arising from the proposed regulations primarily is restricted to the costs associated with the affected registrants' obligation to maintain records related to clearing documentation between the customer and the customer's clearing member.

The information collection obligations imposed by the proposed regulations are necessary to implement certain provisions of the CEA, including ensuring that registrants exercise effective risk management and for the efficient operation of trading venues among SDs, MSPs, FCMs, and DCOs.

With respect to the collection of information, the CFTC invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of 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.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *http://www.cftc.gov* that it may

[1] 17 CFR 145.9.

deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

Burden Statement: The Commission is revising its estimate of the burden for this collection, which include 101 Swap Dealers, Major Swap Participants, 65 Futures Commission Merchants and 16 Derivatives Clearing Organizations. The respondent burden for this collection is estimated to be as follows:

Estimated Number of Respondents: 182.

Estimated Average Burden Hours per Respondent: 18.1 hours.

Estimated Total Annual Burden Hours: 3296 hours.

Frequency of Collection: Daily, annually, or as needed.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: June 15, 2018.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2018–13255 Filed 6–19–18; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Availability of Government-Owned Inventions; Available for Licensing

AGENCY: Department of the Army, DoD.

ACTION: Notice of intent.

SUMMARY: The invention listed below is assigned to the United States Government as represented by the Secretary of the Army and is being made generally availability of exclusive, partially exclusive or non-exclusive licenses by the Department of the Army.

U.S. Army Case Number ARL 17–33 entitled ''Aluminum Based Nanogalvanic Alloys for Hydrogen Generation,'' and a provisional patent application filed at the U.S. Patent and Trademark Office (USPTO) on July 24, 2017 and assigned USPTO PROVISIONAL PATENT APPLICATION No. 62/536,143.

In order to support a better understanding of the material, ARL has established the following website to host details on the technology and a review the process that will culminate in the granting of a patent license(s) around September 2018; *www.arl.army.mil/AlNanogalvanicPowder*. On this website, you can register your interest to be contacted about further developments, post general questions, learn about Inventor webex's, and download background technical information, as well as, templates for all the require documents that will be used throughout the process.

FOR FURTHER INFORMATION CONTACT: After registering on the website above, requests for additional data, powder samples, and other inquiries can be directed to Brian Metzger telephone: 406–994–7782, *brian.metzger@montana.edu,* TechLink, 2310 University Way Technology Blvd., Suite 2–2, Bozeman, MT 59715. TechLink is an authorized DoD partnership intermediary.

SUPPLEMENTARY INFORMATION:

Description of the Technology—Aluminum Based Nanogalvanic Alloys for Hydrogen Generation.

It has long been known that aluminum (Al) reacts with water to produce hydrogen (H2) gas and aluminum oxide via a hydrolysis reaction. Aluminum metal oxidizes when in contact with water, rapidly producing a passivating oxide layer which prevents the hydrolysis reaction (evolution of H2). Further, hydrolysis to evolve H2 can only occur if the native oxide layer is actively removed. This is usually achieved by adding hazardous corrosive compounds (caustic soda, hydrochloric acid, etc.) which dissolve in water, toxic and expensive metals (such as gallium, platinum, etc.), or by forcing the reaction by additional external energy (electric current and/or superheated steam).

The U.S. Army Research Laboratory (ARL) has invented a novel nanogalvanic structured aluminum based particulate material which is capable of generating hydrogen very rapidly by hydrolysis reaction with water and any liquid that contains water (*e.g.,* naturally scavenged water, coffee, energy drink, urine, etc.) at room temperature without chemicals, catalysts or externally supplied power. These patent pending powders produce hydrogen at a rate that currently is one of the fastest reported for Al and water reactions without the need of hazardous and costly materials or additional processes. The reaction results in the production of hydrogen and heat with only inert residual materials. ARL has demonstrated that hydrolysis will occur with virtually any water containing liquid.

Licensing Process—The U.S. Army Research Laboratory intends to move expeditiously to license this provisional patent. The process will consist of two stages; Phase 1: Solicit Interest & Phase 2: Request for Patent License Application.

Phase 1—Solicit Interest: Phase 1 will open on 18 JUN 2018. Companies may obtain technical information, samples, and speak with inventors for the purpose of technical due diligence.

Phase 2—Request for Patent License Application: Phase 2 will open on 25 JUL 2018. Phase 2 will allow all interested parties to conduct an evaluation of the powder, ask the inventors questions about the non-provisional patent application, and work with TechLink to develop a National/Worldwide Commercialization Plan which will form the basis for the Patent License Application.

On or around 1 SEP 2018, the U.S. Army Research Laboratory will evaluate the Patent License Applications that have been received to date for possible granting of Patent License Agreement(s). In its decisions concerning the granting of license(s), the U.S. Army Research Laboratory will give special consideration to small business firms, and consortia involving small business firms. While the Army intends to insure that its licensed inventions are broadly commercialized throughout the United States, a PCT application is planned to be filed for the patent noted above. The Army intends that licensees interested in a license in Europe, Canada, China, and Japan will assume foreign prosecution and pay the costs of such prosecution.

(Authority: 35 U.S.C. 207, 37 CFR part 404)

Collaborative Research Opportunity—The U.S. Army Research Laboratory is also open to engaging in negotiations with licensee(s) to establish a parallel Collaborative Research and Development Agreement to mutually continue the development of the material.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2018–13225 Filed 6–19–18; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Request for Information on Technologies to Support Operations in the Information Environment

AGENCY: Department of the Army, DoD.

ACTION: Notice; registration website available.

SUMMARY: The notice for Request for Information on Technologies to Support Operations in the Information Environment published in the **Federal Register** on Wednesday, May 23, 2018, did not request participants to register online. This notice publicizes the registration website: *http://www.cvent.com/d/mgqsvs*.

FOR FURTHER INFORMATION CONTACT: Elizabeth K. Bowman, Telephone (410) 278–55924.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2018–13226 Filed 6–19–18; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Government-Owned Inventions; Available for Licensing

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The invention listed below is assigned to the United States (U.S.) Government as represented by the Secretary of the Navy and is available for licensing by the Department of the Navy. U.S. Patent Application Number 15/474,374 entitled ''Synergistic Metal Polycarboxylate Corrosion Inhibitors'', filed on 30 May 2017 and related Patent Cooperation Treaty filing PCT/US17/63347, filed 28 November 2017, Navy Case PAX236.

ADDRESSES: Request for data, samples and inventor interviews should be directed to Mr. Dan Swanson, 406–994–7736, *dss@montana.edu,* TechLink, 2310 University Way, Building 2–2, Bozeman, MT 59715. TechLink is a Department of Defense Partnership Intermediary under 15 U.S.C. 3715.

DATES: Request for data, samples and inventor interviews should be made prior to 05 July 2018 for potential licensees interested in international licensing rights.

Request for data, samples and inventor interview should be made prior to 01 September 2018 for potential licensees interested in only U.S. licensing rights.

FOR FURTHER INFORMATION CONTACT: Michelle Miedzinski, 301–342–1133, Naval Air Warfare Center Aircraft Division, 22347 Cedar Point Road, Building 2185, Box 62, Room 2160, Patuxent River, Maryland 20670, *michelle.miedzinski@navy.mil.*

SUPPLEMENTARY INFORMATION: The U.S. Navy intends to move expeditiously to license this invention internationally. Licensing application packages are available from TechLink and all applications and commercialization plans for international licensing rights must be returned to TechLink by 15 July 2018. TechLink will turn over all completed applications to the U.S. Navy for evaluation by 01 August 2018, with final negotiations and awards occurring during the months of August and September, 2018.

The U.S. Navy also intends to license this invention expeditiously inside the U.S. Licensing application packages are available from TechLink and all applications and commercialization plans for U.S. licensing rights must be returned to TechLink by 01 September 2018. TechLink will turn over all completed applications to the U.S. Navy for evaluation by 01 October 2018, with final negotiations and awards occurring during the months of October and November, 2018.

The U.S. Navy will consider request for nonexclusive, and partially exclusive licenses in the U.S., and may prefer to grant an exclusive license outside the U.S. to a company both capable of broad commercialization and the ability to prosecute and maintain national stage filings in most territories outside the U.S. The Navy intends that licensees interested in a license in territories outside the U.S. will assume foreign prosecution and pay the cost of such prosecution.

The Navy, in its decisions concerning the granting of licenses, will give special consideration to existing licensee's, small business firms, and consortia involving small business firms. The Navy intends to ensure that its licensed invention is broadly commercialized throughout the U.S.

(Authority: 35 U.S.C. 207, 37 CFR part 404)

Dated: June 14, 2018.

E.K. Baldini,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2018–13215 Filed 6–19–18; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–322–B]

Application To Export Electric Energy; Emera Energy Services Subsidiary No. 2 LLC

AGENCY: Office of Electricity, Department of Energy.

ACTION: Notice of application.

SUMMARY: Emera Energy Services Subsidiary No. 2 LLC (Applicant or EESS–2) has applied to renew its authority to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before July 20, 2018.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed to: Office of Electricity, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585–0350. Because of delays in handling conventional mail, it is recommended that documents be transmitted by overnight mail, by electronic mail to *Electricity.Exports@hq.doe.gov,* or by facsimile to 202–586–8008.

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE) regulates exports of electricity from the United States to a foreign country, pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)). Such exports require authorization under section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)).

On October 2, 2013, DOE issued Order No. EA–322–A to EESS–2, which authorized the Applicant to transmit electric energy from the United States to Canada, effective October 1, 2013, as a power marketer for a five-year term using existing international transmission facilities. That authority expires on October 1, 2018. On February 22, 2018, EESS–2 filed an application with DOE for renewal of the export authority contained in Order No. EA–322 for an additional five-year term.

In its application, EESS–2 states that it neither owns nor controls any electric generation or transmission facilities, and that it has no franchised electric power service area. The electric energy that EESS–2 proposes to export to Canada would be surplus energy purchased from third parties such as electric utilities and Federal power marketing agencies pursuant to voluntary agreements. The existing international transmission facilities to

be utilized by EESS–2 have previously been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

Procedural matters: Any person desiring to be heard in this proceeding should file a comment or protest to the application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedures (18 CFR 385.211). Any person desiring to become a party to these proceedings should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214). Five (5) copies of such comments, protests, or motions to intervene should be sent to the address provided above on or before the date listed above.

Comments and other filings concerning EESS–2's application to export electric energy to Canada should be clearly marked with OE Docket No. EA–322–B. An additional copy is to be provided directly to both Bonnie A. Suchman, Suchman Law LLC, 8104 Paisley Place, Potomac, MD 20854 and Michael G. Henry, Emera Energy Services, Inc., 101 Federal St., Suite 1101, Boston, MA 02110.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after DOE determines that the proposed action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program website at *http://energy.gov/node/11845,* or by emailing Angela Troy at *Angela.Troy@hq.doe.gov*.

Issued in Washington, DC, on June 12, 2018.

Christopher Lawrence,

Electricity Policy Analyst, Office of Electricity.

[FR Doc. 2018–13228 Filed 6–19–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–321–B]

Application To Export Electric Energy; Emera Energy Services Subsidiary No. 1 LLC

AGENCY: Office of Electricity, Department of Energy.

ACTION: Notice of application.

SUMMARY: Emera Energy Services Subsidiary No. 1 LLC (Applicant or EESS–1) has applied to renew its authority to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before July 20, 2018.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed to: Office of Electricity, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585–0350. Because of delays in handling conventional mail, it is recommended that documents be transmitted by overnight mail, by electronic mail to *Electricity.Exports@hq.doe.gov,* or by facsimile to 202–586–8008.

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE) regulates exports of electricity from the United States to a foreign country, pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)). Such exports require authorization under section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)).

On October 2, 2013, DOE issued Order No. EA–321–A to EESS–1, which authorized the Applicant to transmit electric energy from the United States to Canada, effective October 1, 2013, as a power marketer for a five-year term using existing international transmission facilities. That authority expires on October 1, 2018. On February 22, 2018, EESS–1 filed an application with DOE for renewal of the export authority contained in Order No. EA–321 for an additional five-year term.

In its application, EESS–1 states that it neither owns nor controls any electric generation or transmission facilities, and that it has no franchised electric power service area. The electric energy that EESS–1 proposes to export to Canada would be surplus energy purchased from third parties such as electric utilities and Federal power marketing agencies pursuant to voluntary agreements. The existing international transmission facilities to be utilized by EESS–1 have previously been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

Procedural matters: Any person desiring to be heard in this proceeding should file a comment or protest to the application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedures (18 CFR 385.211). Any person desiring to become a party to these proceedings should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214). Five (5) copies of such comments, protests, or motions to intervene should be sent to the address provided above on or before the date listed above.

Comments and other filings concerning EESS–1's application to export electric energy to Canada should be clearly marked with OE Docket No. EA–321–B. An additional copy is to be provided directly to both Bonnie A. Suchman, Suchman Law LLC, 8104 Paisley Place, Potomac, MD 20854 and Michael G. Henry, Emera Energy Services, Inc., 101 Federal St., Suite 1101, Boston, MA 02110.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after DOE determines that the proposed action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program website at *http://energy.gov/node/11845,* or by emailing Angela Troy at *Angela.Troy@hq.doe.gov*.

Issued in Washington, DC, on June 12, 2018.

Christopher Lawrence,

Electricity Policy Analyst, Office of Electricity.

[FR Doc. 2018–13234 Filed 6–19–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–325–B]

Application To Export Electric Energy; Emera Energy Services Subsidiary No. 5 LLC

AGENCY: Office of Electricity, Department of Energy.

ACTION: Notice of application.

SUMMARY: Emera Energy Services Subsidiary No. 5 LLC (Applicant or EESS–5) has applied to renew its authority to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before July 20, 2018.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed to: Office of Electricity, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585–0350. Because of delays in handling conventional mail, it is recommended that documents be transmitted by overnight mail, by electronic mail to *Electricity.Exports@hq.doe.gov,* or by facsimile to 202–586–8008.

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE) regulates exports of electricity from the United States to a foreign country, pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)). Such exports require authorization under section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)).

On October 2, 2013, DOE issued Order No. EA–325–A to EESS–5, which authorized the Applicant to transmit electric energy from the United States to Canada, effective October 1, 2013, as a power marketer for a five-year term using existing international transmission facilities. That authority expires on October 1, 2018. On February 22, 2018, EESS–5 filed an application with DOE for renewal of the export authority contained in Order No. EA–325 for an additional five-year term.

In its application, EESS–5 states that it neither owns nor controls any electric generation or transmission facilities, and that it has no franchised electric power service area. The electric energy that EESS–5 proposes to export to Canada would be surplus energy purchased from third parties such as electric utilities and Federal power marketing agencies pursuant to voluntary agreements. The existing international transmission facilities to be utilized by EESS–5 have previously been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

Procedural matters: Any person desiring to be heard in this proceeding should file a comment or protest to the application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedures (18 CFR 385.211). Any person desiring to become a party to these proceedings should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214). Five (5) copies of such comments, protests, or motions to intervene should be sent to the address provided above on or before the date listed above.

Comments and other filings concerning EESS–5's application to export electric energy to Canada should be clearly marked with OE Docket No. EA–325–B. An additional copy is to be provided directly to both Bonnie A. Suchman, Suchman Law LLC, 8104 Paisley Place, Potomac, MD 20854 and Michael G. Henry, Emera Energy Services, Inc., 101 Federal St., Suite 1101, Boston, MA 02110.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after DOE determines that the proposed action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program website at *http://energy.gov/node/11845,* or by emailing Angela Troy at *Angela.Troy@hq.doe.gov*.

Issued in Washington, DC, on June 12, 2018.

Christopher Lawrence,

Electricity Policy Analyst, Office of Electricity.

[FR Doc. 2018–13232 Filed 6–19–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–323–B]

Application To Export Electric Energy; Emera Energy Services Subsidiary No. 3 LLC

AGENCY: Office of Electricity, Department of Energy.

ACTION: Notice of application.

SUMMARY: Emera Energy Services Subsidiary No. 3 LLC (Applicant or EESS–3) has applied to renew its authority to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before July 20, 2018.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed to: Office of Electricity, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585–0350. Because of delays in handling conventional mail, it is recommended that documents be transmitted by overnight mail, by electronic mail to *Electricity.Exports@hq.doe.gov,* or by facsimile to 202–586–8008.

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE) regulates exports of electricity from the United States to a foreign country, pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)). Such exports require authorization under section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)).

On October 2, 2013, DOE issued Order No. EA–323–A to EESS–3, which authorized the Applicant to transmit electric energy from the United States to Canada, effective October 1, 2013, as a power marketer for a five-year term using existing international transmission facilities. That authority expires on October 1, 2018. On February 22, 2018, EESS–3 filed an application with DOE for renewal of the export authority contained in Order No. EA–323 for an additional five-year term.

In its application, EESS–3 states that it neither owns nor controls any electric generation or transmission facilities, and that it has no franchised electric power service area. The electric energy that EESS–3 proposes to export to Canada would be surplus energy purchased from third parties such as electric utilities and Federal power marketing agencies pursuant to voluntary agreements. The existing international transmission facilities to be utilized by EESS–3 have previously been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

Procedural matters: Any person desiring to be heard in this proceeding should file a comment or protest to the application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedures (18 CFR 385.211). Any person desiring to become a party to these proceedings should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214). Five (5) copies of such comments, protests, or motions to intervene should be sent to the address provided above on or before the date listed above.

Comments and other filings concerning EESS–3's application to export electric energy to Canada should

be clearly marked with OE Docket No. EA–323–B. An additional copy is to be provided directly to both Bonnie A. Suchman, Suchman Law LLC, 8104 Paisley Place, Potomac, MD 20854 and Michael G. Henry, Emera Energy Services, Inc., 101 Federal St., Suite 1101, Boston, MA 02110.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after DOE determines that the proposed action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program website at *http://energy.gov/node/11845,* or by emailing Angela Troy at *Angela.Troy@hq.doe.gov*.

Issued in Washington, DC, on June 12, 2018.

Christopher Lawrence,

Electricity Policy Analyst, Office of Electricity.

[FR Doc. 2018–13230 Filed 6–19–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–324–B]

Application to Export Electric Energy; Emera Energy Services Subsidiary No. 4 LLC

AGENCY: Office of Electricity, Department of Energy.

ACTION: Notice of Application.

SUMMARY: Emera Energy Services Subsidiary No. 4 LLC (Applicant or EESS–4) has applied to renew its authority to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before July 20, 2018.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed to: Office of Electricity, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585–0350. Because of delays in handling conventional mail, it is recommended that documents be transmitted by overnight mail, by electronic mail to *Electricity.Exports@hq.doe.gov,* or by facsimile to 202–586–8008.

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE) regulates exports of electricity from the United States to a foreign country, pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)). Such exports require authorization under section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)).

On October 2, 2013, DOE issued Order No. EA–324–A to EESS–4, which authorized the Applicant to transmit electric energy from the United States to Canada, effective October 1, 2013, as a power marketer for a five-year term using existing international transmission facilities. That authority expires on October 1, 2018. On February 22, 2018, EESS–4 filed an application with DOE for renewal of the export authority contained in Order No. EA–324 for an additional five-year term.

In its application, EESS–4 states that it neither owns nor controls any electric generation or transmission facilities, and that it has no franchised electric power service area. The electric energy that EESS–4 proposes to export to Canada would be surplus energy purchased from third parties such as electric utilities and Federal power marketing agencies pursuant to voluntary agreements. The existing international transmission facilities to be utilized by EESS–4 have previously been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

Procedural matters: Any person desiring to be heard in this proceeding should file a comment or protest to the application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedures (18 CFR 385.211). Any person desiring to become a party to these proceedings should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214). Five (5) copies of such comments, protests, or motions to intervene should be sent to the address provided above on or before the date listed above.

Comments and other filings concerning EESS–4's application to export electric energy to Canada should be clearly marked with OE Docket No. EA–324–B. An additional copy is to be provided directly to both Bonnie A. Suchman, Suchman Law LLC, 8104 Paisley Place, Potomac, MD 20854 and Michael G. Henry, Emera Energy Services, Inc., 101 Federal St., Suite 1101, Boston, MA 02110.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after DOE determines that the proposed action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program website at *http://energy.gov/node/11845,* or by emailing Angela Troy at *Angela.Troy@hq.doe.gov*.

Issued in Washington, DC, on June 12, 2018.

Christopher Lawrence,

Electricity Policy Analyst, Office of Electricity.

[FR Doc. 2018–13229 Filed 6–19–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Availability of Guidance and Application for Hydroelectric Incentive Program

AGENCY: Water Power Technologies Office, Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of availability of guidance and open application period.

SUMMARY: The U.S. Department of Energy (DOE) gives notice of updated guidance for the Energy Policy Act of 2005 program. The guidance describes the hydroelectric incentive payment requirements and explains the type of information that owners or authorized operators of qualified hydroelectric facilities must provide DOE when applying for hydroelectric incentive payments. This incentive is available for electric energy generated and sold for a specified 10-year period as authorized under the Energy Policy Act of 2005. In Congressional appropriations for Federal fiscal year 2018, DOE received funds to support this hydroelectric incentive program. At this time, DOE is only accepting applications from owners and authorized operators of qualified hydroelectric facilities for hydroelectricity generated and sold in calendar year 2017.

DATES: DOE is currently accepting applications from June 20, 2018 through July 20, 2018. Applications must be sent to *hydroincentive@ee.doe.gov* by midnight EDT, July 20, 2018, or they will not be considered timely filed for calendar year 2017 incentive payments.

ADDRESSES: Interested parties are to submit applications electronically to *hydroincentive@ee.doe.gov.* DOE's

guidance is available at: *https://www.energy.gov/eere/water/downloads/federal-register-notice-epact-2005-section-242-hydroelectric-incentive-0*.

FOR FURTHER INFORMATION CONTACT: Questions may be addressed to Corey Vezina, U.S. Department of Energy, Golden Field Office, 15013 Denver West Parkway, Golden, CO 80401, (240) 562–1382 or by email at *hydroincentive@ee.doe.gov*. Further instruction can be found in the guidance posted at *https://www.energy.gov/eere/water/downloads/federal-register-notice-epact-2005-section-242-hydroelectric-incentive-0*. *Electronic communications are recommended for correspondence and required for submission of application information*.

SUPPLEMENTARY INFORMATION: In the Energy Policy Act of 2005 (EPAct 2005; Pub. L. 109–58), Congress established a new program to support the expansion of hydropower energy development at existing dams and impoundments through an incentive payment procedure. Under Section 242 of EPAct 2005, the Secretary of Energy is directed to provide incentive payments to the owner or authorized operator of qualified hydroelectric facilities for energy generated and sold by a qualified hydroelectric facility for a specified 10-year period (*See* 42 U.S.C. 15881). The 2018 Consolidated Appropriations Act authorized funding for the Section 242 program for conventional hydropower under EPAct 2005. In FY 2018, DOE allocated $6.6M for this purpose.

Recently DOE made minor updates to clarify its Guidance for the Energy Policy Act of 2005 Section 242. The Guidance is available at: *https://www.energy.gov/eere/water/downloads/federal-register-notice-epact-2005-section-242-hydroelectric-incentive-0*. Each application will be reviewed based on the Guidance. DOE has updated its Guidance to clarify eligible rehabilitation on existing facilities that have been offline because of disrepair or dismantling for at least five consecutive years immediately prior to October 1, 2005 and returning online with new hydroelectric power on or before September 30, 2015 (*see* the second of three qualifications in Section III). DOE also updated its Guidance to re-emphasize the statutory deadline by which new hydropower generation must be placed into operation at a non-powered or powered dam as on or after October 1, 2005 and on or before September 30, 2015 (*see* Section IV). DOE notes that applicants that received incentive payments for prior calendar years must submit a full application addressing all eligibility requirements for hydroelectricity generated and sold in calendar year 2017. As authorized under Section 242 of EPAct 2005, and as explained in the Guidance, DOE also notes that it will only accept applications from qualified hydroelectric facilities that began operations at an existing dam or conduit during the inclusive period beginning October 1, 2005, and ending on September 30, 2015. Therefore, although DOE is accepting applications for full calendar year 2017 production, the qualified hydroelectric facility must have begun operations starting October 1, 2005, through September 30, 2015, for DOE to consider the application.

When submitting information to DOE for Section 242 program, it is recommended that applicants carefully read and review the completed content of the Guidance for this process. When reviewing applications, DOE may corroborate the information provided with information that DOE finds through FERC e-filings, contact with power off-taker, and other due diligence measure carried out by reviewing officials. DOE may require the applicant to conduct and submit an independent audit at its own expense, or DOE may conduct an audit to verify the number of kilowatt-hours claimed to have been generated and sold by the qualified hydroelectric facility and for which an incentive payment has been requested or made.

Issued in Washington, DC on June 13, 2018.

Timothy Unruh,

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

[FR Doc. 2018–13233 Filed 6–19–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC18–102–000.
Applicants: Duke Energy Indiana, LLC, AEP Indiana Michigan Transmission Company, Inc.
Description: Application for Authorization Under Section 203 of the Federal Power Act of Duke Energy Indiana, LLC, et al.
Filed Date: 6/14/18.
Accession Number: 20180614–5097.
Comments Due: 5 p.m. ET 7/5/18.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG18–101–000.
Applicants: Torrecillas Wind Energy, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Torrecillas Wind Energy, LLC.
Filed Date: 6/14/18.
Accession Number: 20180614–5147.
Comments Due: 5 p.m. ET 7/5/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–1420–001.
Applicants: California Independent System Operator Corporation.
Description: Tariff Amendment: 2018–06–14 Amendment to Certificate of Concurrence for ARES Nevada UFA Metadata to be effective 3/13/2018.
Filed Date: 6/14/18.
Accession Number: 20180614–5082.
Comments Due: 5 p.m. ET 6/25/18.

Docket Numbers: ER18–1771–000.
Applicants: Langdon Renewables, LLC.
Description: Amendment to June 11, 2017 Langdon Renewables, LLC tariff filing.
Filed Date: 6/14/18.
Accession Number: 20180614–5081.
Comments Due: 5 p.m. ET 7/2/18.

Docket Numbers: ER18–1786–000.
Applicants: Northern States Power Company, a Wisconsin corporation Northern States Power Company, a Minnesota Corporation.
Description: § 205(d) Rate Filing: 20180614_Benson IA 205 to be effective 6/29/2018.
Filed Date: 6/14/18.
Accession Number: 20180614–5058.
Comments Due: 5 p.m. ET 7/5/18.

Take notice that the Commission received the following foreign utility company status filings:

Docket Numbers: FC18–6–000.
Applicants: Solfuture Gestión, S.L.U.
Description: Notification of Self-Certification of Foreign Utility Company Status of I Solfuture Gestion, S.L.U.
Filed Date: 6/13/18.
Accession Number: 20180613–5163.
Comments Due: 5 p.m. ET 7/5/18.

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 14, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–13197 Filed 6–19–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Document Labelling Guidance for Documents Submitted to or Filed With the Commission or Commission Staff

Take notice that, pursuant to National Archives and Record Administration procedures for appropriate handling of documents (81 FR 63323 (Sept. 14, 2016)), the Commission will follow the Information Governance Policy and Guidelines for the Protection of Sensitive Information requirements as described below. As a result, every submission or filing with the Commission or Commission staff that contains sensitive material (as described below) should be labeled controlled unclassified information (CUI). The documents described below should be labeled as follows:

Documents containing Critical Energy/Electric Infrastructure Information (CEII), *see* 18 CFR 388.113, should include in a top center header of each page of the document the following text: CUI//CEII.

Documents containing information that section 388.112 of the Commission's regulations, 18 CFR 388.112, recognizes as privileged, and documents containing information within the scope of protective orders and agreements in Commission proceedings, should include in a top center header of each page of the document the following text: CUI//PRIV.

Documents containing multiple information types, should reference each information type in a top center header of each page of the document in the following format: CUI//[Information Type]/[Additional Information Type], *e.g.,* CUI//CEII/PRIV.

For information that is CEII, filers are reminded that they must clearly segregate those portions of the documents that contain CEII, and indicate how long the CEII label should apply (not to exceed five years unless redesignated by the CEII Coordinator). *See* Fixing America's Surface Transportation Act, Public Law 114–94, 61,003, 129 Stat. 1312, 1773–1779 (2015); *see also* 18 CFR 388.113(d)(1)(i–ii).

For information that is privileged or within the scope of a protective order or agreement, filers are reminded that they also need to clearly identify within the document those specific portions of the document (*i.e.,* lines or individual words or numbers)—containing such material. *See* 18 CFR 388.112(b).

This notice supersedes and clarifies an earlier notice issued April 14, 2017. (*See Notice of Document Labelling Guidance for Documents Submitted to or Filed with the Commission or Commission Staff, April 14, 2017*)

Dated: June 14, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–13206 Filed 6–19–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–1775–000]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization: 64KT 8me LLC

This is a supplemental notice in the above-referenced proceeding 64KT 8me 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 3, 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 13, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–13203 Filed 6–19–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting Notice

The following notice of meeting is published pursuant to section 3(a) of the government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: June 21, 2018, 10:00 a.m.

PLACE: Room 2C, 888 First Street NE, Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda, * NOTE—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kimberly D. Bose, Secretary, Telephone (202) 502–8400. For a recorded message listing items struck from or added to the meeting, call (202) 502–8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all documents relevant to the items on the agenda. All public documents, however, may be viewed on line at the Commission's website at *http://ferc.capitolconnection.org/* using the eLibrary link, or may be examined in the Commission's Public Reference Room.

1045TH—MEETING

[Open Meeting; June 21, 2018; 10:00 a.m.]

Item No.	Docket No.	Company
	ADMINISTRATIVE	
A–1	AD18–1–000	Agency Administrative Matters.
A–2	AD18–2–000	Customer Matters, Reliability, Security and Market Operations.
	ELECTRIC	
E–1	EL18–155–000	Ameren Illinois Company.
	EL18–156–000	Ameren Transmission Company of Illinois.
	EL18–157–000	American Transmission Company, LLC.
	EL18–158–000	GridLiance West Transco LLC.
	EL18–159–000	International Transmission Company.
	EL18–160–000	ITC Midwest, LLC.
	EL18–161–000	Northern States Power Company, a Minnesota corporation.
	EL18–162–000	Northern States Power Company, a Wisconsin corporation.
	EL18–163–000	Public Service Company of Colorado.
	EL18–164–000	Southern California Edison Company.
	EL18–165–000	TransCanyon DCR, LLC.
	EL18–166–000	Southwestern Public Service Company.
	EL18–167–000	Virginia Electric and Power Company.
E–2	EL18–45–000, EL17–33–000	Great River Energy.
E–3	EL18–17–000	Midcontinent Independent System Operator, Inc.
E–4	ER13–343–008	CPV Maryland, LLC.
	ER13–342–012	CPV Shore, LLC.
	ER16–700–001	CPV Towantic, LLC.
	ER16–701–001	CPV Valley, LLC.
E–5	ER17–706–002	GridLiance West Transco LLC.
E–6	ER18–1169–000	California Independent System Operator Corporation.
E–7	ER16–372–003, ER16–372–004, ER16–372–005	PJM Interconnection, L.L.C.
E–8	ER13–75–012, ER15–416–002	Public Service Company of Colorado.
	ER13–77–011, ER15–433–002	Tucson Electric Power Company.
	ER13–78–012, ER15–434–002	UNS Electric, Inc.
	ER13–79–010, ER15–413–002	Public Service Company of New Mexico.
	ER13–82–010, ER15–411–007	Arizona Public Service Company.
	ER13–91–009, ER15–426–002	El Paso Electric Company.
	ER13–96–010, ER15–431–002	Black Hills Power, Inc.
	ER13–97–010, ER15–430–002	Black Hills Colorado Electric Utility Company, LP.
	ER13–105–006	NV Energy, Inc.
	ER15–423–002, ER15–428–004	Nevada Power Company.
	ER15–424–002	Sierra Pacific Power Company.
	ER13–120–010, ER15–432–002	Cheyenne Light, Fuel & Power Company.
E–9	ER18–1360–000	San Diego Gas & Electric Company.
	GAS	
G–1	OMITTED.	
G–2	OR18–18–000	CCPS Transportation, LLC.
G–3	OR18–15–000	Andeavor Field Services, LLC v. Mid-America Pipeline Company, LLC and Enterprise Products Operating LLC.
	HYDRO	
H–1	P–4253–003	Contoocook Hydro, LLC.
H–2	P–12514–074	Northern Indiana Public Service Company, LLC.
H–3	2082–065, 14803–002	PacifiCorp.

Issued: June 14, 2018.

Kimberly D. Bose,

Secretary.

A free webcast of this event is available through *http://ferc.capitolconnection.org/*. Anyone with internet access who desires to view this event can do so by navigating to *www.ferc.gov's* Calendar of Events and locating this event in the Calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for the free webcasts. It also offers access to this event via television in the DC area and via phone bridge for a fee. If you have any questions, visit *http://ferc.capitolconnection.org/* or contact Danelle Springer or David Reininger at 703–993–3100.

Immediately following the conclusion of the Commission Meeting, a press briefing will be held in the Commission Meeting Room. Members of the public may view this briefing in the designated overflow room. This statement is intended to notify the public that the press briefings that follow Commission meetings may now be viewed remotely at Commission headquarters, but will not be telecast through the Capitol Connection service.

[FR Doc. 2018–13195 Filed 6–15–18; 11:15 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: EG18–100–000.
Applicants: Foard City Wind, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Foard City Wind, LLC.
Filed Date: 6/14/18.
Accession Number: 20180614–5027.
Comments Due: 5 p.m. ET 7/5/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2924–013.
Applicants: Kleen Energy Systems, LLC.
Description: Notice of Non-Material Change in Status of Kleen Energy Systems, LLC.
Filed Date: 6/13/18.
Accession Number: 20180613–5125.
Comments Due: 5 p.m. ET 7/5/18.

Docket Numbers: ER16–1720–006.
Applicants: Invenergy Energy Management LLC.
Description: Notice of Change in Facts Under Market-Based Rate Authority of Invenergy Energy Management LLC.
Filed Date: 6/13/18.
Accession Number: 20180613–5124.
Comments Due: 5 p.m. ET 7/5/18.

Docket Numbers: ER18–1778–000.
Applicants: CFE International LLC.
Description: Baseline eTariff Filing: Market Based Rates to be effective 7/1/2018.
Filed Date: 6/13/18.
Accession Number: 20180613–5103.
Comments Due: 5 p.m. ET 7/5/18.

Docket Numbers: ER18–1779–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2018–06–13_SA 2155 Ameren Illinois-Bishop Hill 2nd Rev GIA (G545) to be effective 5/14/2018.
Filed Date: 6/13/18.
Accession Number: 20180613–5121.
Comments Due: 5 p.m. ET 7/5/18.

Docket Numbers: ER18–1780–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1977R11 Nemaha-Marshall Electric Cooperative NITSA NOA to be effective 9/1/2018.
Filed Date: 6/14/18.
Accession Number: 20180614–5034.
Comments Due: 5 p.m. ET 7/5/18.

Docket Numbers: ER18–1781–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 2041R7 Kansas City Board of Public Utilities PTP Agreement to be effective 9/1/2018.
Filed Date: 6/14/18.
Accession Number: 20180614–5038.
Comments Due: 5 p.m. ET 7/5/18.

Docket Numbers: ER18–1782–000.
Applicants: Duke Energy Carolinas, LLC.
Description: § 205(d) Rate Filing: Amendment to NCEMC NITSA SA No. 210 (2018) to be effective 7/1/2018.
Filed Date: 6/14/18.
Accession Number: 20180614–5042.
Comments Due: 5 p.m. ET 7/5/18.

Docket Numbers: ER18–1783–000.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Cancellation: Notice of Cancellation of ISA SA No. 4135; Queue No. X1–078 to be effective 6/18/2018.
Filed Date: 6/14/18.
Accession Number: 20180614–5044.
Comments Due: 5 p.m. ET 7/5/18.

Docket Numbers: ER18–1784–000.
Applicants: PacifiCorp.
Description: Compliance filing: OATT Ancillary Erratum to Compliance Filing to be effective 7/1/2018.
Filed Date: 6/14/18.
Accession Number: 20180614–5049.
Comments Due: 5 p.m. ET 7/5/18.

Docket Numbers: ER18–1785–000.
Applicants: Southern California Edison Company.
Description: Tariff Cancellation: Notice of Cancellation LA Hecate Energy Johanna 12 kV–P1 & P2 Projects to be effective 6/5/2018.
Filed Date: 6/14/18.
Accession Number: 20180614–5052.
Comments Due: 5 p.m. ET 7/5/18.

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 14, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–13196 Filed 6–19–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL17–32–000; EL17–36–000]

Notice Inviting Post-Technical Conference Comments; Old Dominion Electric Cooperative v. PJM Interconnection, L.L.C., Advanced Energy Management Alliance v. PJM Interconnection, L.L.C

On April 24, 2018, Federal Energy Regulatory Commission (Commission) staff convened a technical conference to obtain further information concerning the above referenced proceedings pursuant to a February 23, 2018 Commission order.[1]

All interested persons are invited to file post-technical conference comments on issues raised during the conference that they believe would benefit from further discussion. In addition, parties are invited to provide comments on the questions listed below, as well as the questions featured on the Supplement Notice of Technical Conference and Technical Conference Agenda issued on April 18, 2018.[2] Commenters need not respond to all topics or questions asked.

Commenters may reference material previously filed in this docket, including the technical conference transcript, but are encouraged to avoid repetition or replication of previous material. In addition, commenters are encouraged, when possible, to provide examples in support of their answers.

[1] *Old Dominion Elec. Coop.* v. *PJM Interconnection, L.L.C.,* 162 FERC 61,160 (2018).

[2] *Supplemental Notice of Technical Conference,* Docket No. EL17–32–000 and EL17–36–000 (Apr. 18, 2018).

Comments must be submitted on or before 30 days from the date of this notice and should not exceed 30 pages.

For more information about this technical conference, please contact: John Riehl (Technical Issues), Office of Energy Market Regulation, 202–502–6026, *john.riehl@ferc.gov*, Noah Monick (Legal Issues), Office of General Counsel, 202–502–8299, *noah.monick@ferc.gov*.

Dated: June 13, 2018.

Kimberly D. Bose,

Secretary.

Post-Technical Conference Questions for Comment

Seasonal Load Variation & Alternate Market Designs

In these proceedings, parties argue that the move to a single, annual capacity product has pushed valuable summer-only resources out of the capacity market and thereby increased capacity costs with little to no reliability benefit, given that PJM is a summer-peaking system. These parties assert that procuring a portion of capacity as summer-only allows PJM to procure significantly less capacity during non-summer periods and provides equivalent reliability at lower total capacity costs. In addition, intervenors have proposed alternate market designs in PJM to better facilitate seasonal resource participation and account for seasonal load variation. These proposed alternative market designs include, but are not limited to: A re-introduction of a seasonal product,[3] a two-season market construct,[4] a three-season market construct,[5] and a supplemental seasonal ticket scheme approach for summer-period resources.[6] Based on these proposed alternate market designs, please answer the following questions.

1. Some panelists indicated that the current annual construct and existing aggregation rules result in a barrier to entry. Please comment on whether or not there are barriers to entry and provide any supporting information, such as unmatched MWs of capacity. Could this be fully addressed by improving or modifying aggregation rules? If not, what other changes would be required? What would be the downside of modifying such rules?

2. According to the 2021/2022 Reliability Pricing Model (RPM) Base Residual Auction (BRA) report,[7] cleared megawatt quantities of wind, solar, demand response, and energy efficiency resources all increased compared to the 2020/2021 RPM BRA and at higher clearing prices throughout the PJM footprint. Please comment on how these results reflect on the efficacy of PJM's seasonal aggregation mechanism and the ability of these resource types to participate in RPM as either annual resources or aggregated resources under existing RPM rules. To the extent you view one or more of the alternative market designs mentioned above as better than the existing RPM rules, please explain how those alternative designs would yield preferable auction outcomes relative to those seen in the 2021/2022 BRA. Please provide evidence and quantitative support where possible.

3. Under either a two-season or three-season market construct, how would PJM optimize capacity procurement within and across seasons? Would each season have a distinct demand curve and auction that clears independently of other seasons, or would all seasonal auctions be cleared simultaneously to optimize procurement for a delivery year?

4. During the technical conference, Mr. Falin of PJM noted that PJM performs a winter-period peak load test known as a Capacity Emergency Transfer Objective and Capacity Emergency Transfer Limit (CETO CETL analysis). Mr. Falin explained that during the winter-period CETO CETL analysis, PJM divides its region into sub-regions and tests how many MWs of emergency imports are needed to satisfy reliability criteria given that specific sub-region's quantity of installed reserves.[8] Please describe the assumptions that PJM makes when it performs a CETO/CETL analysis for winter-period peak loads. What assumptions are markedly different from summer-period peak load CETO/CETL analyses? Does PJM perform winter- and summer-period CETO/CETL analyses for all sub-areas or LDAs?

5. What other implementation challenges would be involved in transitioning to a two-season or three-season market construct (aside from a lengthy stakeholder process)?

Peak Shaving

In these proceedings, intervenors argue that the practice of peak shaving produces far fewer benefits than previously understood and, thus, peak shaving practices are not a viable pathway for demand response resources in lieu of participation on the supply side of PJM's capacity market. Based on this characterization of peak shaving's limited impacts, please address the following questions.

1. During the technical conference, Mr. Falin of PJM indicated that PJM has put on hold possible changes to the PRD program to align the program with PJM's annual capacity construct. Is PRD a feasible path forward for incorporating seasonal DR resources in the capacity market? Please explain why or why not.

2. During the technical conference, Mr. Falin stated that, in order for peak shaving activity to be reflected in load forecasts, peak shaving actions will need to be based on specific triggers, and commit to be interrupted a certain number of times per summer with a certain hourly duration. Direct load control programs operated by electric distribution companies that cycle air conditioners or other appliances typically have these attributes specified in their tariffs. What is the status of the recognition of these programs in PJM's load forecasts? Please describe the mechanisms, calculations, and adjustments that PJM uses to account for load serving entity (LSE) or electric distribution company (EDC) direct load control and load management programs in PJM load forecasting. Are these load forecast adjustments performed at the request of the EDC, or are there clear and specific procedures or rules that are applied non-discriminatorily to all LSE and electric distribution company direct load control and load management programs?

3. During the technical conference, Mr. Falin stated that PJM conducts its load forecast modeling, and calculates model forecast accuracy, at the PJM system level. Mr. Falin also stated that PJM compared forecasted zonal load to average historical contribution of each zone to the PJM's overall peak and that number is within a tenth or two-tenths of a percent of PJM's zonal forecast. Did PJM observe any differences in the model errors by zone, especially for the zones that have operated summer-focused load management programs for years? How does the frequency of summer-focused load management programs' deployment, especially their infrequent deployment during system peaks, impact PJM load forecasts and

[3] Preliminary Technical Conference Comments of Complainants Old Dominion Electric Cooperative, Direct Energy Business, LLC, and American Municipal Power, Inc. at 11–14.

[4] Pre-Technical Conference Comments of NRDC & Sustainable FERC Project at 10.

[5] Pre-Technical Conference Comments of Advanced Energy Management Alliance at 5–6.

[6] Pre-Technical Conference Comments of James F. Wilson at 11.

[7] PJM Interconnection, L.L.C., *2021/2022 RPM Base Residual Auction Results* (May 2018), *available at: http://www.pjm.com/-/media/markets-ops/rpm/rpm-auction-info/2021-2022/2021-2022-base-residual-auction-report.ashx.*

[8] Tr. 83:5–13 (Falin).

the calculated model errors at the zonal level?

4. According to information provided in the AEMA complaint in Docket No. EL17–36–000, Baltimore Gas & Electric (BG&E) worked with PJM in Maryland Public Service Commission Rate Case No. 9406 to reflect its air-conditioner direct control program into an alternate load forecast for its zone, but not at the full load reduction that the program can produce. Please describe the processes involved in creating that alternative load forecast and the assumptions underlying BG&E's partial adjustment.

5. In PJM's June 2017 white paper ''Demand Response Strategy'', PJM stated ''Ideally, PJM would have a truly unrestricted peak-load forecast with a complete understanding of explicit (dispatch and/or managed by PJM) versus implicit (managed by LSE, EDC or end-use customer) DR, allowing more visibility to quantify forecast risk.'' [9] Please describe the steps PJM is taking to accomplish this goal. Are these steps sufficient to accomplish this goal? Why or why not? How is PJM working to change its load forecasting methodology to achieve this goal?

[FR Doc. 2018–13194 Filed 6–19–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2331–083]

Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests: Duke Energy Carolinas, LLC

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection:

a. *Type of Application:* Non-Project Use Application.

b. *Project No:* 2331–083.

c. *Date Filed:* May 25, 2018.

d. *Applicant:* Duke Energy Carolinas, LLC (licensee).

e. *Name of Project:* Ninety-Nine Islands Hydroelectric Project.

f. *Location:* The project is located on the Broad River in Cherokee County South Carolina.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Jeff Lineberger, Director, Duke Energy Carolinas, LLC, 526 S. Church Street—Mail Stop EC12Y, Charlotte, NC 28202, *Jeff.Lineberger@duke-energy.com.*

i. *FERC Contact:* Michael Calloway at 202–502–8041, or *michael.calloway@ferc.gov.*

j. Deadline for filing comments, motions to intervene, and protests is 30 days from the issuance of this notice by the Commission. The Commission strongly encourages electronic filing. Please file motions to intervene, protests, and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–2331–083.

k. *Description of Request:* The licensee requests Commission approval to allow Thomas Sand Company, Inc. to utilize 33.51 acres of project lands and waters in the upper part of the project reservoir for mining and processing sand. The mining facility has the capacity to withdraw 2.88 million gallons of water per day for processing sand even though it does not achieve this amount daily in practice. The water is returned to the river after processing. The mine has extracted 42,000 tons of sand per year on average since operations began. The licensee proposes that the Thomas Sand Mine will operate under the conditions of South Carolina Department of Health and Environmental Control (South Carolina DHEC) Section 401 Water Quality Certification P/N SAC 2017–01073, South Carolina DHEC Mining Permit No. 0869, and National Pollutant Discharge Permit for Discharges Associated with Nonmetal Mineral Mining Facilities Permit No. SCG730627.

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* using the ''eLibrary'' link. 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 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 the non-project use 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

[9] PJM Interconnection, *Demand Response Strategy* at 30–31, (Jun. 2017), *available at http://www.pjm.com/~/media/library/reports-notices/demand-response/20170628-pjm-demand-response-strategy.ashx.*

Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: June 13, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–13208 Filed 6–19–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP18–37–000;CP18–38–000]

Notice of Availability of the Environmental Assessment for the Sierrita Gas Pipeline LLC Proposed Sierrita Compressor Expansion Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Sierrita Compressor Expansion Project, proposed by Sierrita Gas Pipeline LLC (Sierrita) in the above-referenced dockets. Sierrita filed an application in Docket No. CP18–37–000 requesting a Certificate of Public Convenience and Necessity pursuant to section 7(c) of the Natural Gas Act to construct and operate certain natural gas pipeline facilities. Specifically, Sierrita requests authorization to construct a new 15,900 horsepower natural gas compressor station on its existing Line No. 2177 pipeline system in Pima County, Arizona. Additionally, in Docket No. CP18–38–000, Sierrita is requesting an amendment to its section 3 authorization and its Presidential Permit.

The EA assesses the potential environmental effects of the construction and operation of the Sierrita Compressor Expansion Project in accordance with the requirements of the National Environmental Policy Act. The FERC staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The proposed Sierrita Compressor Expansion Project includes the following facilities:

- One new 15,900 horsepower compressor station (Sierrita Compressor Station);
- approximately 1,000 feet of suction and discharge piping and various station yard auxiliary facilities to connect the Sierrita Compressor Station with Sierrita's existing Line No. 2177;
- one new 10-inch Ultrasonic meter at the existing San Joaquin Meter Station on Line No. 2177; and
- the relocation of the existing Mainline Valve 2 and an associated inspection tool launcher and receiver from milepost 1.2 to milepost 6.5 on Line No. 2177.

The FERC staff mailed copies of the EA to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the project area. In addition, the EA is available for public viewing on the FERC's website (*www.ferc.gov*) using the eLibrary link. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE, Room 2A, Washington, DC 20426, (202) 502–8371.

Any person wishing to comment on the EA may do so. Your comments should focus on the EA's disclosure and discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before 5:00 p.m. Eastern Time on July 13, 2018.

For your convenience, there are three methods you can use to file your comments with the Commission. In all instances please reference the applicable project docket number (CP18–37 and/or CP18–38) with your submission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.*

(1) You can file your comments electronically using the *eComment* feature located on the Commission's website (*www.ferc.gov*) under the link to *Documents and Filings.* Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the *eFiling* feature located on the Commission's website (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on *eRegister.* You must select the type of filing you are making. A comment on a particular project is considered a ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214). Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on General Search, and enter the docket number in the Docket Number field, excluding the last three digits (*i.e.,* CP18–37). Be sure you have selected an appropriate date range. 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. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: June 13, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–13193 Filed 6–19–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–1778–000]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization: CFE International LLC

This is a supplemental notice in the above-referenced proceeding of CFE International 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 5, 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 14, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–13205 Filed 6–19–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP18–893–000.
Applicants: Natural Gas Pipeline Company of America.
Description: § 4(d) Rate Filing: Amendment to Negotiated Rate Agreement-Macquarie Energy LLC to be effective 6/12/2018.
Filed Date: 6/12/18.
Accession Number: 20180612–5087.
Comments Due: 5 p.m. ET 6/25/18.

Docket Numbers: RP18–894–000.
Applicants: Midcontinent Express Pipeline LLC.
Description: § 4(d) Rate Filing: Chesapeake/Territory Negotiated Rate to be effective 6/1/2018.
Filed Date: 6/13/18.
Accession Number: 20180613–5027.
Comments Due: 5 p.m. ET 6/25/18.

Docket Numbers: RP18–895–000.
Applicants: Paiute Pipeline Company.
Description: § 4(d) Rate Filing: Nonconforming TSA Nos. F30, F36, and F49 to be effective 5/23/2018.
Filed Date: 6/13/18.
Accession Number: 20180613–5063.
Comments Due: 5 p.m. ET 6/25/18.

Docket Numbers: RP18–896–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rate ConEd to Colonial 796693 to be effective 6/14/2018.
Filed Date: 6/13/18.
Accession Number: 20180613–5086.
Comments Due: 5 p.m. ET 6/25/18.

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 14, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–13198 Filed 6–19–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–1777–000]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization: Meadowlark Wind I LLC

This is a supplemental notice in the above-referenced proceeding of Meadowlark Wind I 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 5, 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 14, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–13204 Filed 6–19–18; 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: EC18–101–000.

Applicants: Langdon Wind, LLC, Langdon Renewables, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act and Request for Expedited Action of Langdon Wind, LLC, et. al.

Filed Date: 6/13/18.

Accession Number: 20180613–5026.

Comments Due: 5 p.m. ET 7/5/18.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG18–99–000.

Applicants: Meadowlark Wind I LLC.

Description: Self-Certification of Exempt Wholesale Generator Status of Meadowlark Wind I LLC.

Filed Date: 6/13/18.

Accession Number: 20180613–5101.

Comments Due: 5 p.m. ET 7/5/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–211–004.

Applicants: Mid-Atlantic Interstate Transmission, LLC, PJM Interconnection, L.L.C.

Description: Compliance filing: MAIT submits compliance filing to the Commission's 5/21/18 order in ER17–211 to be effective 5/1/2018.

Filed Date: 6/13/18.

Accession Number: 20180613–5051.

Comments Due: 5 p.m. ET 7/5/18.

Docket Numbers: ER18–1244–001.

Applicants: Emera Maine.

Description: Tariff Amendment: Deficiency Response (ER18–1213–000 and ER18–1244–000) to be effective 6/1/2018.

Filed Date: 6/13/18.

Accession Number: 20180613–5010.

Comments Due: 5 p.m. ET 7/5/18.

Docket Numbers: ER18–1775–000.

Applicants: 64KT 8me LLC.

Description: Baseline eTariff Filing: Application for Market Based Rate to be effective 6/14/2018.

Filed Date: 6/13/18.

Accession Number: 20180613–5034.

Comments Due: 5 p.m. ET 7/5/18.

Docket Numbers: ER18–1776–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 3126R3 WAPA NITSA and NOA to be effective 6/1/2018.

Filed Date: 6/13/18.

Accession Number: 20180613–5046.

Comments Due: 5 p.m. ET 7/5/18.

Docket Numbers: ER18–1777–000.

Applicants: Meadowlark Wind I LLC.

Description: Baseline eTariff Filing: MBR Tariff Filing to be effective 8/12/2018.

Filed Date: 6/13/18.

Accession Number: 20180613–5100.

Comments Due: 5 p.m. ET 7/5/18.

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 13, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–13199 Filed 6–19–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–1772–000]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization: Cheekerton, LLC

This is a supplemental notice in the above-referenced proceeding of Cheekerton, 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 3, 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 13, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–13202 Filed 6–19–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR18–9–000]

White Cliffs Pipeline, L.L.C.; Notice of Designation of Commission Staff as Non-Decisional

With respect to the proceedings pending before the Commission in the above-captioned docket, Dr. Emma Nicholson from the Office of Energy Policy and Innovation is designated as non-decisional in deliberations by the Commission in this docket. Accordingly, pursuant to 18 CFR 385.2202 (2017), as non-decisional staff, Dr. Nicholson will not participate in an advisory capacity in the Commission's review of any future filings in the above-referenced docket, including offers of settlement or settlement agreements. Likewise, pursuant to 18 CFR 385.2201 (2017), Dr. Nicholson is prohibited from communicating with advisory staff concerning any deliberations in these dockets.

Dated: June 14, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–13207 Filed 6–19–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–77–002]

Notice of Application; Tennessee Gas Pipeline Company, L.L.C.

Take notice that on May 24, 2018, Tennessee Gas Pipeline Company, L.L.C. (Tennessee), 1001 Louisiana Street, Houston, Texas 77002, filed a petition to amend the Order Issuing Certificate and Approving Abandonment (Order), issued in Docket No. CP15–77–000 on September 6, 2016 for the Broad Run Expansion Project. Specifically, Tennessee requests to amend the portions of the Order regarding the abandonment of certain compressor units at Compressor Station 114 (CS 114), located in Boyd County, Kentucky. Tennessee proposes that, rather than abandoning seven compressor units at CS 114 by removal as originally authorized in the Order, it be allowed to retain the seven compressor units as reserve compression for use when the other compressor units at CS 114 are not available, such as during periods of maintenance or repair.

The filing may be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this application should be directed to Ben Carranza, Director, Regulatory, 1001 Louisiana Street, Suite 1000, Houston, Texas 77002 or via telephone at (713) 420–5535 or email at *ben_carranza@kindermorgan.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

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 commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors 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 7 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please

email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: July 5, 2018.

Dated: June 14, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–13200 Filed 6–19–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–1771–000]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization; Langdon Renewables, LLC

This is a supplemental notice in the above-referenced proceeding of Langdon Renewables, 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 5, 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 14, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–13201 Filed 6–19–18; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202)–523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 201234–002.

Title: Agreement by Ocean Common Carriers to Participate on the Exchange Board.

Parties: CMA CGM S.A.; Hapag-Lloyd AG; COSCO Shipping Lines Co., Ltd.; COSCO Shipping Co., Ltd; Maersk Line A/S; and Hyundai Merchant Marine Co., Ltd.

Filing Party: Ashley Craig; Venable LLP.

Synopsis: The Amendment adds HMM as a party to the Agreement and removes MOL as a party to the Agreement.

Agreement No.: 201235–002.

Title: Agreement by Ocean Common Carriers to Use Standard Service Contract Terms.

Parties: CMA CGM S.A.; Hapag-Lloyd AG; COSCO Shipping Lines Co., Ltd.; COSCO Shipping Co., Ltd; Maersk Line A/S; Hyundai Merchant Marine Co., Ltd.; and Orient Overseas Container Line Limited and OOCL (Europe) Limited (acting as a single party).

Filing Party: Ashley Craig; Venable LLP.

Synopsis: The amendment adds HMM and OOCL as parties to the Agreement and removes MOL as a party to the Agreement.

Agreement No.: 201257.

Title: Zim/ONE Slot Exchange Agreement for Empty Containers.

Parties: ZIM Integrated Shipping Services Ltd. and Ocean Network Express Pte. Ltd.

Filing Party: Carrol Hand; Ocean Network Express.

Synopsis: The Agreement authorizes ZIM and ONE to exchange space with each other for the carriage of empty containers in all U.S. trades.

Agreement No.: 201258.

Title: Maersk Line/Zim Gulf-CSA Space Charter Agreement.

Parties: Maersk Line A/S and ZIM Integrated Shipping Services Ltd.

Filing Party: Wayne Rohde, Cozen O'Connor.

Synopsis: The agreement authorizes Maersk Line to charter space to Zim on Maersk Line's UCLA service in the trade between U.S. Gulf Coast on the one hand and ports in Brazil, Colombia, Mexico and Panama on the other hand.

Agreement No.: 201259.

Title: Ocean Network Express Pte. Ltd. (ONE)/Kyowa Shipping Co., Ltd. Slot Charter Agreement.

Parties: Ocean Network Express Pte. Ltd. and Kyowa Shipping Co., Ltd.

Filing Party: Carrol Hand, Ocean Network Express.

Synopsis: The Agreement authorizes Kyowa to charter space to ONE on its South Pacific Islands Service.

Agreement No.: 201260.

Title: Ocean Network Express Pte. Ltd. (ONE)/NYK Bulk & Project Carriers Ltd. Space Charter Agreement.

Parties: Ocean Network Express Pte. Ltd. and NYK Bulk & Project Carriers Ltd.

Filing Party: Carrol Hand, Ocean Network Express.

Synopsis: The Agreement authorizes NYK to charter space to ONE on its SPL South Pacific service.

Dated: June 15, 2018.

Rachel Dickon,

Secretary.

[FR Doc. 2018–13247 Filed 6–19–18; 8:45 am]

BILLING CODE 6731–AA–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is

adopting a proposal to extend for three years, with revision, the Recordkeeping and Disclosure Requirements Associated with Consumer Financial Protection Bureau's (CFPB) Regulation M (Consumer Leasing) (FR M; OMB No. 7100–0202).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Board may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Final approval under OMB delegated authority of the extension for three years, with revision, of the following report:

Report title: Recordkeeping and Disclosure Requirements Associated with Consumer Financial Protection Bureau's (CFPB) Regulation M (Consumer Leasing).

Agency form number: FR M.

OMB control number: 7100–0202.

Frequency: Disclosures, 461 times per year; and Advertising, quarterly.

Respondents: State member banks with assets of $10 billion or less that are not affiliated with an insured depository institution with assets over $10 billion (irrespective of the consolidated assets of any holding company); non-depository affiliates of such state member banks; and non-depository affiliates of bank holding companies that are not affiliated with an insured depository institution with assets over $10 billion.

Estimated number of respondents: 5.

Estimated average hours per response: Disclosures, 6.5 minutes; and advertising, 25 minutes.

Estimated annual burden hours: Disclosures, 250 hours; and advertising, 8 hours.

General description of report: The Consumer Leasing Act (CLA) and Regulation M require lessors uniformly to disclose to consumers the costs, liabilities, and terms of consumer lease transactions. Disclosures are provided to consumers before they enter into lease transactions and in advertisements that state the availability of consumer leases on particular terms. The regulation generally applies to consumer leases of personal property in which the contractual obligation does not exceed $50,000, adjusted annually for inflation, and has a term of more than four months.[1] The CLA does not provide exemptions for small entities.

Legal authorization and confidentiality: The Board's Legal Division has determined that sections 105(a) and 187 of the Truth in Lending Act (15 U.S.C. 1604(a) and 1667(f)), authorize the CFPB to issue regulations to carry out the provisions of the CLA. The CFPB's Regulation M, 12 CFR part 1013, implements these statutory provisions. An institution's recordkeeping and disclosure obligations under Regulation M are mandatory. Because the Board does not collect any information pursuant to the CFPB's Regulation M, no issue of confidentiality normally arises. In the event the Board were to retain information regarding consumer leases during the course of an examination, the information regarding the consumer and the lease would be kept confidential pursuant to section (b)(8) of the Freedom of Information Act (5 U.S.C. 522 (b)(8)).

Current actions: On April 5, 2018, the Board published a notice in the **Federal Register** (83 FR 14639) requesting public comment for 60 days on the extension, with revision, of the Recordkeeping and Disclosure Requirements Associated with the Consumer Financial Protection Bureau's (CFPB) Regulation M (Consumer Leasing). The Board proposes to revise the methodology for estimating burden for disclosures to provide additional clarity and transparency into the calculation. Specifically, the Board proposes to estimate disclosure burden using the estimated average number of lease contracts each Board-supervised institution initiates annually, assuming it takes approximately 6.5 minutes to populate and provide each disclosure. The comment period for this notice expired on June 4, 2018. The Board did not receive any comments. The revisions will be implemented as proposed.

[1] For 2018, the Regulation M threshold is $55,800.

Board of Governors of the Federal Reserve System, June 14, 2018.

Michele Taylor Fennell,

Assistant Secretary of the Board.

[FR Doc. 2018–13173 Filed 6–19–18; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR part 238), and Regulation MM (12 CFR part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association and nonbanking companies owned by the savings and loan holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the HOLA (12 U.S.C. 1467a(e)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 10(c)(4)(B) of the HOLA (12 U.S.C. 1467a(c)(4)(B)). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 16, 2018.

A. Federal Reserve Bank of Philadelphia (William Spaniel, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–

1521. Comments can also be sent electronically to *Comments.applications@phil.frb.org:*

1. *Seneca Falls Savings Bank MHC and Seneca-Cayuga Bancorp, Inc., both of Seneca Falls, New York;* to acquire voting shares of Medina Savings and Loan Association, Medina, New York, through the merger of Medina Savings and Loan Association with and into Generations Bank, Seneca Falls, New York.

Board of Governors of the Federal Reserve System, June 14, 2018.

Ann Misback,

Secretary of the Board.

[FR Doc. 2018–13158 Filed 6–19–18; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 16, 2018.

A. Federal Reserve Bank of Cleveland (Nadine Wallman, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101–2566. Comments can also be sent electronically to *Comments.applications@clev.frb.org:*

1. *Fifth Third Bancorp, Cincinnati, Ohio, and its wholly owned banking holding company subsidiary, Fifth Third Financial Corporation, Cincinnati, Ohio;* to acquire MB Financial, Inc., Chicago, Illinois, and thereby indirectly acquire shares of MB Financial Bank, National Association, Chicago, Illinois.

Board of Governors of the Federal Reserve System, June 14, 2018.

Ann Misback,

Secretary of the Board.

[FR Doc. 2018–13157 Filed 6–19–18; 8:45 am]

BILLING CODE P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act; Notice of Board Member Meeting

Federal Retirement Thrift Investment Board Meeting Agenda June 25, 2018, In Person, 8:30 a.m.

Open Session

1. Approval of the Minutes for the May 30, 2018 Board Member Meeting
2. Monthly Reports
   (a) Participant Activity
   (b) Legislative Report
   (c) Investment Policy
3. Vendor Financials
4. FEVS Update
5. EBSA Audit Report Update
6. IT Update
7. Strategic Acquisition

Closed Session

Information covered under 5 U.S.C. 552b(c)(4), (c)(9)(B).

CONTACT PERSON FOR MORE INFORMATION: Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

Dated: June 18, 2018.

Dharmesh Vashee,

Deputy General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2018–13381 Filed 6–18–18; 4:15 pm]

BILLING CODE 6760–01–P

FEDERAL TRADE COMMISSION

Granting of Requests for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination—on the dates indicated—of the waiting period provided by law and the premerger notification rules. The listing for each transaction includes the transaction number and the parties to the transaction. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

EARLY TERMINATIONS GRANTED APRIL 1, 2018 THRU APRIL 30, 2018

04/02/2018		
20180989	G	Webster Capital II–A, L.P.; Richard Taite; Webster Capital II–A, L.P.
20180990	G	L Catterton VIII, L.P.; One Rock Capital Partners, LP; L Catterton VIII, L.P.
20180991	G	U.S. Silica Holdings, Inc.; Golden Gate Capital Opportunity Fund, L.P.; U.S. Silica Holdings, Inc.
04/03/2018		
20180902	G	Filtration Group Equity LLC; Summer Street Capital III, L.P.; Filtration Group Equity LLC.
20180925	G	Jericho Capital Partners L.P.; Dell Technologies Inc.; Jericho Capital Partners L.P.
20180928	G	Splunk Inc.; Phantom Cyber Corporation; Splunk Inc.

EARLY TERMINATIONS GRANTED APRIL 1, 2018 THRU APRIL 30, 2018—Continued

04/04/2018		
20180966	G	Clayton Dubilier & Rice Fund X, L.P.; Greenbriar Equity Fund II, L.P.; Clayton Dubilier & Rice Fund X, L.P.
20180974	G	MIP Cleco Partners L.P.; NRG Energy, Inc.; MIP Cleco Partners L.P.
20180980	G	The Spruce House Partnership LP; GTT Communications, Inc.; The Spruce House Partnership LP.
20180992	G	Lumentum Holdings Inc.; Oclaro, Inc.; Lumentum Holdings Inc.
20181002	G	Future Industry Investment Fund; Ningbo Joyson Electronic Corporation; Future Industry Investment Fund.
04/06/2018		
20180933	G	Danaher Corporation; Integrated DNA Technologies, Inc.; Danaher Corporation.
20180996	G	Great Dane Holding, LLC; CommerceHub, Inc.; Great Dane Holding, LLC.
20181007	G	OEP VI Feeder (Cayman), L.P.; Gibson Energy Inc.; OEP VI Feeder (Cayman), L.P.
20181013	G	CSP Alpha Investments LP; StarTek, Inc.; CSP Alpha Investments LP.
20181014	G	PAG Asia II LP; Ningbo Joyson Electronic Corporation; PAG Asia II LP.
20181017	G	Dr. Patrick Soon-Shiong; Erick Thohir; Dr. Patrick Soon-Shiong.
20181019	G	Hamilton Infrastructure Trust; ArcLight Energy Partners Fund VI, L.P.; Hamilton Infrastructure Trust.
20181020	G	Authentic Brands Group LLC; VF Corporation; Authentic Brands Group LLC.
20181021	G	Platinum Equity Capital Partners IV. L.P.; Johnson & Johnson; Platinum Equity Capital Partners IV. L.P.
20181023	G	K–Z Evergreen, LLC; AmTrust Financial Services, Inc.; K–Z Evergreen, LLC.
20181026	G	Magna International Inc.; Lyft, Inc.; Magna International Inc.
20181029	G	WME Entertainment Parent, LLC; NeuLion, Inc.; WME Entertainment Parent, LLC.
20181031	G	General Atlantic Partners AIV–1 B, L.P.; New Holdco LLC; General Atlantic Partners AIV–1 B, L.P.
04/09/2018		
20180971	G	Toray Industries, Inc.; Tennessee Investment Holding B.V.; Toray Industries, Inc.
20181027	G	New Enterprise Associates 15, L.P.; Reltio, Inc.; New Enterprise Associates 15, L.P.
04/11/2018		
20180926	G	FUJIFILM Holdings Corporation; Xerox Corporation; FUJIFILM Holdings Corporation.
20181022	G	ProAmpac PG Holdings LLC; Saw Mill Capital Partners, LP; ProAmpac PG Holdings LLC.
04/13/2018		
20180896	G	TopBuild Corp.; Trilantic Capital Partners V (North America) L.P.; TopBuild Corp.
04/16/2018		
20180994	G	Elliott Associates, L.P.; Travelport Worldwide Limited; Elliott Associates, L.P.
20181044	G	Francisco Partners V, L.P.; Thoma Bravo Discover Fund, L.P.; Francisco Partners V, L.P.
20181045	G	Pandora Media, Inc.; AdsWizz, S.A.; Pandora Media, Inc.
20181046	G	Casablanca Holdings L.P.; William E. La Macchia; Casablanca Holdings L.P.
20181047	G	New Media Investment Group Inc.; Cox Family Voting Trust u/a/d 7/26/13; New Media Investment Group Inc.
20181056	G	NRG Energy, Inc.; BlueGreen Holding, LLC; NRG Energy, Inc.
20181057	G	Tallgrass Energy GP, LP; Tallgrass Equity, LLC; Tallgrass Energy GP, LP.
20181058	G	White Mountains Insurance Group, Ltd.; ABRY Partners VIII, L.P.; White Mountains Insurance Group, Ltd.
20181062	G	Tailwind Capital Partners III, L.P.; Frazier Healthcare VI, L.P.; Tailwind Capital Partners III, L.P.
20181063	G	Grupo Comercial Chedraui, S.A.B. de C.V.; AEP III Fiesta AIV, L.P.; Grupo Comercial Chedraui, S.A.B. de C.V.
20181066	G	Hon Hai Precision Industry Co., Ltd.; Fifth Street MB Partners, LLC; Hon Hai Precision Industry Co., Ltd.
20181067	G	Pentland Group plc; The Finish Line, Inc.; Pentland Group plc.
04/18/2018		
20181025	G	KKR 2006 Fund (Overseas), Limited Partnership; Wengen Alberta, Limited Partnership; KKR 2006 Fund (Overseas), Limited Partnership.
20181034	G	Meritage Co-Investors LLC SERIES 3; Michael Bjerke; Meritage Co-Investors LLC SERIES 3.
20181054	G	Bain Capital Double Impact Fund, L.P.; TVG–I–E PFE Holdings LLC; Bain Capital Double Impact Fund, L.P.
04/19/2018		
20180987	G	AMP Capital Global Infrastructure Fund II B LP; Everstream Holding Company LLC; AMP Capital Global Infrastructure Fund II B LP.
20180998	G	Elliott International Limited; Prosperity Life Insurance Group, LLC; Elliott International Limited.
20181004	G	Ocwen Financial Corporation; PHH Corporation; Ocwen Financial Corporation.
20181039	G	Quad-C Partners IX, L.P.; At World Properties, LLC; Quad-C Partners IX, L.P.
04/20/2018		
20180899	G	KBR, Inc.; Kamal S. Ghaffarian; KBR, Inc.
20181064	G	Ares Energy Investors Fund V, L.P.; Conti Family 2017 Irrevocable Dynasty Trust; Ares Energy Investors Fund V, L.P.
20181065	G	NN, Inc.; Paragon Equity, LLC; NN, Inc.
20181068	G	Remi Marcoux; Sun Capital Partners V, L.P.; Remi Marcoux.
20181070	G	FUJIFILM Holdings Corporation; JXTG Holdings, Inc.; FUJIFILM Holdings Corporation.

EARLY TERMINATIONS GRANTED APRIL 1, 2018 THRU APRIL 30, 2018—Continued

20181071	G	USI Advantage Corp.; KeyCorp; USI Advantage Corp.
20181075	G	Compagnie Generale des Establissements Michelin; Fenner PLC; Compagnie Generale des Establissements Michelin.
20181080	G	Stonepeak Infrastructure Fund II (AIV) LP; GenOn Energy, Inc.; Stonepeak Infrastructure Fund II (AIV) LP.
20181081	G	Stonepeak Infrastructure Fund II (AIV) LP; NRG Energy, Inc.; Stonepeak Infrastructure Fund II (AIV) LP.
20181082	G	North Haven Infrastructure Partners II AIV–I L.P.; Old Ironside Energy Fund II–A, LP; North Haven Infrastructure Partners II AIV–I L.P.
20181088	G	TA XI NS–A Feeder, L.P.; FundChoice Investment Holdings, LLC; TA XI NS–A Feeder, L.P.
04/23/2018		
20181087	G	Hecla Mining Company; Klondex Mines Ltd.; Hecla Mining Company.
20181093	G	Energy Trading Innovations LLC; Alinda Infrastructure Parallel Fund I, L.P.; Energy Trading Innovations LLC.
04/24/2018		
20181009	G	Marlin Equity V, L.P.; RedBrick Health Corporation; Marlin Equity V, L.P.
20181052	G	The Veritas Capital Fund VI, L.P.; General Electric Company; The Veritas Capital Fund VI, L.P.
04/25/2018		
20181042	G	Brynwood Partners VII L.P.; SunTx Capital Partners II, L.P.; Brynwood Partners VII L.P.
20181095	G	BW Homecare Holdings LLC; Palladium Equity Partners III, L.P.; BW Homecare Holdings LLC.
04/26/2018		
20171676	G	Martin Marietta Materials, Inc.; Lindsay Goldberg III CR AIV L.P.; Martin Marietta Materials, Inc.
04/27/2018		
20180162	G	Amneal Holdings, LLC; Impax Laboratories, Inc.; Amneal Holdings, LLC.
20181051	G	Riccardo Braglia; Johnson & Johnson; Riccardo Braglia.
20181100	G	Unilever PLC; Unilever N.V.; Unilever PLC.
20181107	G	Concho Resources Inc.; RSP Permian, Inc.; Concho Resources Inc.
20181109	G	Vista Foundation Fund III, L.P.; LogicMonitor, Inc.; Vista Foundation Fund III, L.P.
20181111	G	MGM Resorts International; Milstein Capital Partners LLC; MGM Resorts International.
20181113	G	Christopher Hutter; Donald R. Simon; Christopher Hutter.
20181114	G	Paul D. Douglass; Donald R. Simon; Paul D. Douglass.
20181116	G	SJW Group; Connecticut Water Service, Inc.; SJW Group.
20181118	G	Park Lawn Corporation; Signature Funeral and Cemetery Investments LLC; Park Lawn Corporation.
20181119	G	Altaris Health Partners IV, L.P.; Analogic Corporation; Altaris Health Partners IV, L.P.
20181125	G	TA NIPA Parent, LLC; Gerald and Marilyn Burke; TA NIPA Parent, LLC.
20181127	G	Partners Group Access 906 L.P.; H-Food Holdings, LLC; Partners Group Access 906 L.P.
20181129	G	Blackstone Capital Partners VII L.P.; Doreen Granpeesheh; Blackstone Capital Partners VII L.P.
04/30/2018		
20181101	G	Osaka Gas Co., Ltd.; Rockland Power Partners II, LP; Osaka Gas Co., Ltd.
20181124	G	Adventist Health System Sunbelt Healthcare Corporation; Community Health System, Inc.; Adventist Health System Sunbelt Healthcare Corporation.
20181130	G	Munchener Ruckversicherungs-Gesellschaft AG in Munchen; IIF US Holding 2 LP; Munchener Ruckversicherungs-Gesellschaft AG in Munchen.

FOR FURTHER INFORMATION CONTACT:

Theresa Kingsberry, Program Support Specialist, Federal Trade Commission Premerger Notification Office, Bureau of Competition, Room CC–5301, Washington, DC 20024 (202) 326–3100.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2018–13189 Filed 6–19–18; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

Granting of Requests for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination—on the dates indicated—of the waiting period provided by law and the premerger notification rules. The listing for each transaction includes the transaction number and the parties to the transaction. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

EARLY TERMINATIONS GRANTED MAY 1, 2018 THRU MAY 31, 2018

05/02/2018		
20181035	G	Elliott International Limited; Commvault Systems, Inc.; Elliott International Limited.
20181036	G	Elliott Associates, L.P.; Commvault Systems, Inc.; Elliott Associates, L.P.
20181105	G	AEA Investors Fund V LP; Theodore Waitt; AEA Investors Fund V LP.
20181110	G	Alexion Pharmaceuticals, Inc.; Wilson Therapeutics AB; Alexion Pharmaceuticals, Inc.
20181112	G	The Scotts Miracle-Gro Company; Craig Hargreaves; The Scotts Miracle-Gro Company.
20181121	G	Merck & Co., Inc.; Moderna Therapeutics, Inc.; Merck & Co., Inc.
20181128	G	Athena Parent, Inc.; JMI Equity Fund VII, L.P.; Athena Parent, Inc.
20181134	G	SPX Corporation; ELXSI Corporation; SPX Corporation.
05/03/2018		
20181048	G	Agilent Technologies, Inc.; Lasergen, Inc.; Agilent Technologies, Inc.
20181084	G	TPG Growth III (A), L.P.; Tanium Inc.; TPG Growth III (A), L.P.
20181085	G	TPG Growth IV, L.P.; Tanium, Inc.; TPG Growth IV, L.P.
05/04/2018		
20181132	G	Vertex Holdco LLC; VeriFone Systems, Inc.; Vertex Holdco LLC.
20181138	G	Andrea Pignataro; Fidessa Group PLC; Andrea Pignataro.
20181140	G	GC Valiant LP; Cubic Corporation; GC Valiant LP.
20181143	G	Strada Education Network, Inc.; 2297984 Ontario Limited; Strada Education Network, Inc.
20181147	G	American Water Works Company, Inc.; The Southern Company; American Water Works Company, Inc.
20181150	G	Green Equity Investors Side VII, L.P.; Berkshire Fund VIII, L.P.; Green Equity Investors Side VII, L.P.
20181151	G	Wrangler Aggregator Holdings, L.P.; Alpine Holdings Inc.; Wrangler Aggregator Holdings, L.P.
20181174	G	CM Emergence Newco Inc.; Cumulus Media Inc.; CM Emergence Newco Inc.
05/07/2018		
20181103	G	ASM Pacific Technology Limited; Tokyo Electron Limited; ASM Pacific Technology Limited.
20181106	G	The Resolute Fund IV, L.P.; REP SV I–A, L.P.; The Resolute Fund IV, L.P.
20181117	G	HCL Technologies Limited; Garnett & Helfrich Capital, L.P.; HCL Technologies Limited.
05/08/2018		
20181072	G	Plantronics, Inc.; Triangle Private Investments, LLC; Plantronics, Inc.
20181073	G	Triangle Private Investments, LLC; Plantronics, Inc.; Triangle Private Investments, LLC.
20181159	G	Adecco Group AG; General Assembly Space, Inc.; Adecco Group AG.
20181162	G	GWG Holdings, Inc.; The Beneficient Company Group, L.P.; GWG Holdings, Inc.
05/10/2018		
20181165	G	SWF Holdings LP; Golden Gate Capital Opportunity Fund, L.P.; SWF Holdings LP.
05/11/2018		
20181126	G	PI Jersey Topco Limited; iPayment Holdings, Inc.; PI Jersey Topco Limited.
20181144	G	Learning Technologies Group, plc; Charles S. Jones; Learning Technologies Group, plc.
20181169	G	McCoy Group, Inc.; Deere & Company; McCoy Group, Inc.
20181176	G	Emerson Electric Company; Textron Inc.; Emerson Electric Company.
20181177	G	Cerberus Institutional Partners VI, L.P.; KPS Special Situations Fund IV, LP; Cerberus Institutional Partners VI, L.P.
20181179	G	Gulf Pacific Power, LLC; CPP II Southeast Gen Coinvestment, L.P.; Gulf Pacific Power, LLC.
20181180	G	Vulcan Materials Company; Gene E. Smith; Vulcan Materials Company.
20181185	G	Waste Connections, Inc.; Joseph R. Vinagro; Waste Connections, Inc.
20181188	G	The Weir Group PLC; ESCO Corporation; The Weir Group PLC.
20181192	G	Aveanna Healthcare Holdings, Inc.; Premier Healthcare Services, LLC; Aveanna Healthcare Holdings, Inc.
20181195	G	Carlyle Partners VII Cayman, L.P.; Akzo Nobel N.V.; Carlyle Partners VII Cayman, L.P.
20181196	G	Allscripts Healthcare Solutions, Inc.; Raj Toleti; Allscripts Healthcare Solutions, Inc.
20181198	G	John D. Idol; Michael Kors Holdings Limited; John D. Idol.
20181199	G	Michael Kors; Michael Kors Holdings Limited; Michael Kors.
20181204	G	KKR & Co. L.P.; USI Advantage Corp.; KKR & Co. L.P.
20181205	G	Flexpoint Fund III, L.P.; Dexter Lake Club, Inc.; Flexpoint Fund III, L.P.
20181208	G	Blackstone Core Equity Partners NQ L.P.; Green Equity Investors VI, L.P.; Blackstone Core Equity Partners NQ L.P.
05/15/2018		
20181097	G	Accel-KKR Capital Partners IV, LP; Brian Hamilton; Accel-KKR Capital Partners IV, LP.
05/16/2018		
20181153	G	David A. Tepper; Allergan plc; David A. Tepper.
20181154	G	Appaloosa Investment Limited Partnership I; Allergan plc; Appaloosa Investment Limited Partnership I.
20181155	G	Palomino Fund Ltd.; Allergan plc; Palomino Fund Ltd.
20181158	G	Onex Partners IV LP; Vista Foundation Fund II, L.P.; Onex Partners IV LP.

EARLY TERMINATIONS GRANTED MAY 1, 2018 THRU MAY 31, 2018—Continued

20181160	G	Onex Partners IV LP; Vista Equity Partners Fund V, L.P.; Onex Partners IV LP.
20181163	G	TPG Partners VII, L.P.; Intel Corporation; TPG Partners VII, L.P.
20181190	G	Linden Capital Partners IV–A LP; DFW Capital Partners V, L.P.; Linden Capital Partners IV–A LP.
20181200	G	Edelman Financial, L.P.; Financial Engines, Inc.; Edelman Financial, L.P.
20181218	G	Authentic Brands Group LLC; Jasper Parent LLC; Authentic Brands Group LLC.
05/18/2018		
20181189	G	North Haven Private Equity Asia IV, L.P.; Microlife Corporation; North Haven Private Equity Asia IV, L.P.
20181207	G	3i Group plc; John and Marcia Rowley, Trustees; 3i Group plc.
20181220	G	Jazz Pharmaceuticals Public Limited Company; Spark Therapeutics, Inc.; Jazz Pharmaceuticals Public Limited Company.
20181223	G	Linden Capital Partners IV–A LP; Tod Robinson; Linden Capital Partners IV–A LP.
20181224	G	New Mountain Partners V, L.P.; MAG DS Corp.; New Mountain Partners V, L.P.
20181226	G	ExlService Holdings, Inc.; SCIOinspire Holdings, Inc.; ExlService Holdings, Inc.
20181229	G	Gryphon Partners V, L.P.; Ralph Bijou; Gryphon Partners V, L.P.
20181230	G	Gryphon Partners V, L.P.; Laurie Minc; Gryphon Partners V, L.P.
20181231	G	Eldorado Resorts, Inc.; MGM Resorts International; Eldorado Resorts, Inc.
20181232	G	Eldorado Resorts, Inc.; Illinois RBG, L.L.C.; Eldorado Resorts, Inc.
05/21/2018		
20181234	G	Lindsay Goldberg III AIV DT (Direct) L.P.; Simple Tire LLC; Lindsay Goldberg III AIV DT (Direct) L.P.
20181235	G	H.I.G. Middle Market LBO Fund II, L.P.; Conduent Incorporated; H.I.G. Middle Market LBO Fund II, L.P.
20181238	G	Griffon Corporation; CIW Enterprises, Inc.; Griffon Corporation.
20181239	G	Searchlight Capital II MLN Co-Invest Partners, L.P.; Mitel Networks Corporation; Searchlight Capital II MLN Co-Invest Partners, L.P.
20181249	G	Ashford Inc.; Archie Bennett, Jr.; Ashford Inc.
20181250	G	Ashford Inc.; Monty J. Bennett; Ashford Inc.
20181252	G	Archie Bennett, Jr.; Ashford Inc.; Archie Bennett, Jr.
20181253	G	Monty J. Bennett; Ashford Inc.; Monty J. Bennett.
20181259	G	Del Frisco's Restaurant Group, Inc.; Barteca Holdings, LLC; Del Frisco's Restaurant Group, Inc.
20181264	G	Riptide Acquisition 1, L.P.; RPX Corporation; Riptide Acquisition 1, L.P.
05/22/2018		
20181171	G	Trimble Inc.; Bain Capital Fund XI, L.P.; Trimble Inc.
20181181	G	Francisco Partners V, L.P.; Hellman & Friedman Capital Partners VII, L.P.; Francisco Partners V, L.P.
20181215	G	TA XII–A L.P.; Thompson Street Capital Partners IV, L.P.; TA XII–A L.P.
05/23/2018		
20181172	G	Philippe F Courtot; Qualys, Inc.; Philippe F Courtot.
20181219	G	Cressey & Company Fund V, LP; Elite Dental Partners Holdings LLC; Cressey & Company Fund V, LP.
20181256	G	Boyd Gaming Corporation; West Charitable Distribution Adviser, LLC; Boyd Gaming Corporation.
05/24/2018		
20181166	G	Berkshire Hathaway Inc.; Medical Liability Mutual Insurance Co.; Berkshire Hathaway Inc.
20181201	G	Square, Inc.; Weebly, Inc.; Square, Inc.
20181209	G	Trident VII, L.P.; KKR Magellan Aggregator L.P.; Trident VII, L.P.
20181210	G	Senator Global Opportunity Offshore Fund II Ltd.; Gogo Inc.; Senator Global Opportunity Offshore Fund II Ltd.
20181212	G	Composite Resins Holding B.V.; The Alpha Corporation of Tennessee; Composite Resins Holding B.V.
20181267	G	J. Curtis Marvel and Cindy Marvel; Boral Limited; J. Curtis Marvel and Cindy Marvel.
05/25/2018		
20180977	G	Qatar Holding LLC; Hogg Robinson Group, plc; Qatar Holding LLC.
20180978	G	American Express Company; Hogg Robinson Group, plc; American Express Company.
05/29/2018		
20181152	G	NICE Ltd.; Mattersight Corporation; NICE Ltd.
20181183	G	Permira VI L.P. 1; Vedihold S.A.; Permira VI L.P. 1.
20181213	G	Dexter Goei; Patrick Drahi; Dexter Goei.
20181268	G	Massimo Candela; Mason Wells Buyout Fund III, L.P.; Massimo Candela.
20181270	G	Centre Capital Investors VI, L.P.; Dr. David C. Pulver, MD; Centre Capital Investors VI, L.P.
20181272	G	American Industrial Partners Capital Fund VI, LP; L3 Technologies, Inc.; American Industrial Partners Capital Fund VI, LP.
20181273	G	Arthur J. Gallagher & Co.; Palladium Equity Partners IV, L.P.; Arthur J. Gallagher & Co.
20181274	G	Permira VI L.P. 1; Cisco Systems, Inc.; Permira VI L.P. 1.
20181276	G	Savage Companies; Marilyn and James Hebenstreit; Savage Companies.
20181278	G	BlackRock, Inc.; TCP Holding, LP; BlackRock, Inc.
20181281	G	Comvest Investment Partners V, L.P.; TorQuest Partners Fund III, L.P.; Comvest Investment Partners V, L.P.
20181282	G	Carlyle Partners VI, L.P.; Newell Brands Inc.; Carlyle Partners VI, L.P.
20181283	G	Roper Technologies, Inc.; Project Torque Ultimate Parent Corporation; Roper Technologies, Inc.
20181285	G	John P. McConnell; Worthington Industries, Inc.; John P. McConnell.

EARLY TERMINATIONS GRANTED MAY 1, 2018 THRU MAY 31, 2018—Continued

20181286	G	TransUnion; HPS Holding Company, LLC; TransUnion.
20181290	G	ECN Capital Corp.; The Kessler Family Trust, Dated September 15, 1993; ECN Capital Corp.
20181309	G	Eli Lilly and Company; ARMO BioSciences, Inc.; Eli Lilly and Company.
20181311	G	Berwind Holding Corp.; Sentinel Capital Partners V, L.P.; Berwind Holding Corp.
20181314	G	Belcan AE Co-Investment Partners, LP; Nicole R. Grove; Belcan AE Co-Investment Partners, LP.
20181315	G	Marriott Vacations Worldwide Corporation; ILG, Inc.; Marriott Vacations Worldwide Corporation.
05/30/2018		
20181289	G	Sentinel Capital Partners V, L.P.; The Huron Fund IV L.P.; Sentinel Capital Partners V, L.P.
20181304	G	IIF US Holding LP; ArcLight Energy Partners Fund V, L.P.; IIF US Holding LP.
20181312	G	PPL Corporation; Denali Capital Mangement, LLC; PPL Corporation.
05/31/2018		
20181202	G	Zippy Shell Incorporated; Waste Management, Inc.; Zippy Shell Incorporated.
20181227	G	Suzano Papel e Celulose S.A.; Hejoassu Administracao S.A.; Suzano Papel e Celulose S.A.
20181240	G	Lindsay Goldberg IV L.P.; New Harbor Capital Fund, LP; Lindsay Goldberg IV L.P.
20181251	G	JCF III AIV II LP; Encore Capital Group, Inc.; JCF III AIV II LP.
20181293	G	OSRAM Licht AG; Build My LED, LLC; OSRAM Licht AG.
20181310	G	Mondelez International, Inc.; Riverside Micro-Cap Fund III, L.P.; Mondelez International, Inc.

FOR FURTHER INFORMATION CONTACT: Theresa Kingsberry, Program Support Specialist, Federal Trade Commission Premerger Notification Office, Bureau of Competition, Room CC–5301, Washington, DC 20024 (202) 326–3100.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2018–13188 Filed 6–19–18; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

[File No. 171 0230]

CRH plc.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the complaint and the terms of the consent orders—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before July 16, 2018.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write: ''CRH plc; File No. 1710230'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/crhconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''CRH plc; File No. 1710230'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Elyssa Wenzel (202–326–2417), Bureau of Competition, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for June 14, 2018), on the World Wide Web, at *https://www.ftc.gov/news-events/commission-actions.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before July 16, 2018. Write ''CRH plc; File No. 1710230'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission website, at *https://www.ftc.gov/policy/public-comments.*

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/crhconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that website.

If you prefer to file your comment on paper, write ''CRH plc; File No. 1710230'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street, SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC website at *https://www.ftc.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign

country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC website at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before July 16, 2018. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

Analysis of Proposed Consent Orders To Aid Public Comment

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an Agreement Containing Consent Orders (''Consent Agreement'') designed to remedy the anticompetitive effects resulting from CRH plc's (''CRH'') proposed acquisition of Ash Grove Cement Company (''Ash Grove''). Under the terms of the proposed Consent Agreement, CRH is required to divest the Trident cement plant and quarry located in Three Forks, Montana to Grupo Cementos de Chihuahua SAB de CV (''GCC''). The Consent Agreement additionally requires CRH to divest two sand-and-gravel plants and one sand-and-gravel pit located in Omaha, Nebraska to Martin Marietta Materials, Inc. (''Martin Marietta''). Last, the Consent Agreement requires CRH to divest two limestone quarries and a hot-mix asphalt plant located in Olathe, Kansas, as well as an additional limestone quarry and hot-mix asphalt plant located in Louisburg, Kansas, to Summit Materials, Inc. (''Summit'').

The Consent Agreement has been placed on the public record for thirty days to solicit comments from interested persons. Comments received during this period will become part of the public record. After thirty days, the Commission will again review the Consent Agreement and the comments received, and decide whether it should withdraw from the Consent Agreement, modify it, or make final the Decision and Order (''Order'').

The Transaction

Pursuant to an Agreement and Plan of Merger dated September 20, 2017, CRH proposes to acquire 100 percent of the existing voting securities of Ash Grove in a transaction valued at $3.5 billion. The Commission's Complaint alleges that the proposed acquisition, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, by substantially lessening competition in certain regional markets in the United States for the manufacture and sale of portland cement, sand and gravel, and crushed limestone. The proposed Consent Agreement will remedy the alleged violations by preserving the competition that would otherwise be eliminated by the proposed acquisition.

The Parties

CRH is a multinational corporation headquartered in Dublin, Ireland that specializes in manufacturing construction products and materials. In North America, CRH operates under the name CRH Americas, Inc. (''CRH Americas'') (formerly Oldcastle, Inc.) in forty-four U.S. states and six Canadian provinces. CRH Americas operates three cement plants, one inland import terminal, and four inland terminals. In addition, CRH Americas operates 419 sand-and-gravel sites, 232 quarries, 315 ready-mix concrete plants, 457 hot-mix asphalt plants, and 26 product packaging facilities. CRH Americas operates a cement plant in Three Forks, Montana, sand-and-gravel operations in Omaha, Nebraska under the subsidiary Mallard Sand & Gravel Co., and a crushed limestone business in Olathe, Kansas under the subsidiary APAC-Kansas.

Ash Grove is a closely held corporation headquartered in Overland Park, Kansas, also specializing in the manufacture of construction products and materials. Ash Grove is the sixth-largest cement manufacturer in North America and the second-largest manufacturer west of the Mississippi River. Ash Grove owns eight cement plants, 23 cement terminals, 10 fly ash terminals, two deep-water import terminals, 52 ready-mix concrete plants, 20 limestone quarries, 25 sand-and-gravel pits, and nine product packaging facilities. Ash Grove has a cement plant in Montana City, Montana, a sand-and-gravel business in Omaha, Nebraska operating under the subsidiary Lyman-Richey Corporation, and a crushed limestone business in Olathe, Kansas that operates under the subsidiary Johnson County Aggregates.

The Relevant Products and Structure of the Markets

The transaction raises competition concerns in three relevant product markets: the manufacture and sale of portland cement, sand and gravel, and crushed limestone. In the United States, both parties manufacture and sell portland cement. Users mix portland cement with water and aggregates (crushed stone, sand, or gravel) to form concrete, a fundamental building material that is widely used in residential, commercial, and public infrastructure construction projects. Because portland cement has no close substitutes and the cost of cement usually represents a relatively small portion of a project's overall construction costs, few customers are likely to switch to other products in response to a small but significant increase in the price of portland cement.

Both parties also supply construction-grade sand and gravel, which are alluvial deposits used in concrete, road base, asphalt, construction fill, and other construction products. Because sand and gravel have no close substitutes in the Omaha, Nebraska/Council Bluffs, Iowa market, it is appropriate to treat sand and gravel as a separate relevant market because Omaha customers are unlikely to switch

to other products when faced with a small but significant increase in the price of sand and gravel.

Both parties also produce crushed limestone, which is used as an input in cement, concrete, asphalt, metal refining, construction base, and other construction products. Because there are no close substitutes for crushed limestone in the Johnson County, Kansas City market, it is appropriate to treat crushed limestone as a separate relevant market because Johnson County customers are unlikely to switch to other products in the event of a small but significant increase in the price of crushed limestone.

The primary purchasers of portland cement are ready-mix concrete producers. The primary purchasers of sand and gravel and crushed limestone are producers of ready-mix concrete and hot-mix asphalt. Because these products are heavy and relatively inexpensive commodities, the distance over which they can be trucked economically is limited. As a result, cement and aggregates markets are local or regional in nature, though their precise scope depends on a number of factors, including the traffic density of the specific region and local transportation costs, and available rail lines. For the purposes of analyzing the effects of the proposed acquisition on the portland cement market, the relevant geographic market is the state of Montana. The geographic market in which to analyze the effects of the proposed transaction on sand and gravel is the Omaha, Nebraska/Council Bluffs, Iowa region. The geographic market in which to analyze the effects of the proposed transaction on crushed limestone is the Johnson County, Kansas region.

These relevant markets are already highly concentrated. In Montana, the parties are two of only three suppliers of cement. In the Omaha/Council Bluffs market, the parties are the two leading suppliers of sand and gravel. In the Johnson County, Kansas, the parties are the two largest suppliers of crushed limestone and are located across the street from each other in Olathe, Kansas.

Entry

Entry into the relevant portland cement, sand and gravel, and crushed limestone markets would not be timely, likely, or sufficient in magnitude, character, and scope to deter or counteract the anticompetitive effects of the proposed transaction. Entry into the cement market is expensive and slow. The cost to construct a new portland cement plant of sufficient size to be competitive would likely cost over $500 million and take more than five years. Building a rail terminal, though less difficult and expensive than building a plant, can take more than two years and several million dollars, and is only an option for firms with cement plants in sufficiently close proximity to supply the terminal economically.

New entry into the sand and gravel markets may take more than two years to complete. Sand-and-gravel entrants face significant hurdles because federal and local permits are required before they can commence operation, and the permitting process can exceed two years.

Opening a new quarry to mine and process crushed limestone in Kansas City typically costs $3 to 4 million and takes approximately five years to accomplish. Additionally, Johnson County has not approved a new quarry site in more than twenty-five years due to municipal opposition.

Given the difficulties of entry in these three relevant markets, entry would not be likely, timely, and sufficient to defeat the likely anticompetitive effects of the proposed transaction in the relevant markets.

Effects of the Acquisition

Unless remedied, the proposed merger would likely result in competitive harm in each of the relevant portland cement, sand and gravel, and crushed limestone markets. The merger would eliminate head-to-head competition between the parties in each of these markets and significantly increase market concentration. For many customers in these markets, the merger would combine their two closest competitors, leaving the merged entity with the power to increase prices to these customers unilaterally. The merger would produce a *de facto* monopoly in the supply of sand and gravel in Omaha, leave only two suppliers of cement in Montana, and consolidate the two largest suppliers of crushed limestone in Johnson County. Further, if consummated without a remedy, the Acquisition would enhance the possibility of higher prices in the Montana cement market through collusion or coordinated action between the remaining two competitors.

The Consent Agreement

The proposed Consent Agreement eliminates the competitive concerns raised by CRH's proposed acquisition of Ash Grove by requiring the parties to divest assets in each relevant market. CRH is required to divest its cement plant in Three Forks, Montana to GCC. GCC is a Mexican multinational corporation and experienced producer of cement, aggregates, and downstream construction materials such as concrete. It owns seven cement plants in the United States, including one in nearby Rapid City, South Dakota, and 21 cement terminals. Because the CRH cement plant in Montana currently sells a significant amount of cement into Canada through two CRH terminals in Alberta, Canada, and GCC does not have a presence in Canada, GCC will have the option to use a portion of the throughput of those CRH terminals for a period of three years. Additionally, CRH has agreed to purchase, at GCC's option, cement produced at the plant for distribution in Canada for up to three years. CRH is required to divest two sand-and-gravel operations and one pit in Omaha, Nebraska to Martin Marietta. CRH is further required to divest a hot-mix asphalt plant and two limestone quarries in Olathe, Kansas, as well as another hot-mix asphalt plant and another limestone quarry in Louisburg, Kansas, to Summit. Each of the identified buyers possesses the experience and capability to replace one of the merging parties as a significant competitor in the relevant markets. The parties must accomplish the divestitures to these buyers within ten days after the proposed acquisition is accomplished.

The Commission's goal in evaluating possible purchasers of divested assets is to maintain the competitive environment that existed prior to the proposed acquisition. If the Commission determines that any of the identified buyers is not an acceptable acquirer, the proposed Order requires the parties to divest the assets to a Commission-approved acquirer within 90 days of the Commission notifying the parties that the proposed acquirer is not acceptable. If the Commission determines that the manner in which any divestiture was accomplished is not acceptable, the Commission may direct the parties, or appoint a divestiture trustee, to effect such modifications as may be necessary to satisfy the requirements of the Order.

To ensure compliance with the proposed Order, the Commission has agreed to appoint a Monitor to ensure that CRH and Ash Grove comply with all of their obligations pursuant to the Consent Agreement and to keep the Commission informed about the status of the transfer of the rights and assets to appropriate purchasers.

The purpose of this analysis is to facilitate public comment on the Consent Agreement, and it is not intended to constitute an official interpretation of the proposed Order or to modify its terms in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2018–13190 Filed 6–19–18; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Fees for Sanitation Inspection of Cruise Ships

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

ACTION: General notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS) announces fees for vessel sanitation inspections for Fiscal Year (FY) 2019. These inspections are conducted by HHS/CDC's Vessel Sanitation Program (VSP). VSP helps the cruise line industry fulfill its responsibility for developing and implementing comprehensive sanitation programs to minimize the risk for acute gastroenteritis. Every vessel that has a foreign itinerary and carries 13 or more passengers is subject to twice-yearly unannounced inspections and, when necessary, reinspection.

DATES: These fees are effective October 1, 2018, through September 30, 2019.

FOR FURTHER INFORMATION CONTACT: CDR Aimee Treffiletti, Chief, Vessel Sanitation Program, National Center for Environmental Health, Centers for Disease Control and Prevention, 4770 Buford Highway NE, MS F–59, Atlanta, Georgia 30341–3717; phone: 800–323–2132, 770–488–7070, or 954–356–6650; email: *vsp@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Purpose and Background

HHS/CDC established the Vessel Sanitation Program (VSP) in the 1970s as a cooperative activity with the cruise ship industry. VSP helps the cruise ship industry prevent and control the introduction, transmission, and spread of gastrointestinal illnesses on cruise ships. VSP operates under the authority of the Public Health Service Act (Section 361 of the Public Health Service Act; 42 U.S.C. 264, ''Control of Communicable Diseases''). Regulations found at 42 CFR 71.41 (Foreign Quarantine—Requirements Upon Arrival at U.S. Ports: Sanitary Inspection; General Provisions) state that carriers arriving at U.S. ports from foreign areas are subject to sanitary inspections to determine whether rodent, insect, or other vermin infestations exist, contaminated food or water, or other sanitary conditions requiring measures for the prevention of the introduction, transmission, or spread of communicable diseases are present.

The fee schedule for sanitation inspections of passenger cruise ships by VSP was first published in the **Federal Register** on November 24, 1987 (52 FR 45019). HHS/CDC began collecting fees on March 1, 1988. This notice announces fees that are effective for FY 2019, beginning on October 1, 2018, through September 30, 2019.

The following formula will be used to determine the fees:

$$\text{Average cost per inspection} = \frac{\text{Total cost of VSP}}{\text{Weighted number of annual inspections}}$$

Total cost of VSP = Total cost of operating the program, such as administration, travel, staffing, sanitation inspections, and outbreak response. Weighted number of annual inspections = Total number of ships and inspections per year accounting for vessel size, number of inspectors needed for vessel size, travel logistics to conduct inspections, and vessel location and arrivals in U.S. jurisdiction per year.

The fee schedule was originally established and published in the **Federal Register** on July 17, 1987 (52 FR 27060). It was most recently published in the **Federal Register** on July 17, 2017 (82 FR 32707). The fee schedule for FY 2019 is presented in Appendix A.

Fee

The fee schedule (Appendix A) will be effective October 1, 2018, through September 30, 2019.

Applicability

The fees will apply to all passenger cruise vessels for which inspections are conducted as part of HHS/CDC's VSP. Inspections and reinspections involve the same procedures, require the same amount of time, and are therefore charged at the same rates.

Dated: June 14, 2018.

Sandra Cashman,

Executive Secretary, Centers for Disease Control and Prevention.

Appendix A

FEE SCHEDULE FOR EACH VESSEL SIZE

Vessel size (GRT[1])	Inspection fee (U.S.)
Extra Small (<3,000 GRT)	$1,495
Small (3,001–15,000 GRT)	2,990
Medium (15,001–30,000 GRT)	5,980
Large (30,001–60,000 GRT)	8,970
Extra Large (60,001–120,000 GRT)	11,960
Mega (>120,001 GRT)	17,940

[1] Gross register tonnage in cubic feet, as shown in Lloyd's Register of Shipping.

[FR Doc. 2018–13216 Filed 6–19–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–1398]

Mitigation Strategies To Protect Food Against Intentional Adulteration; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA, we, or Agency) is announcing the availability of a draft guidance for industry entitled ''Mitigation Strategies to Protect Food Against Intentional Adulteration: Guidance for Industry.'' This draft guidance document, when finalized, will help food facilities that manufacture, process, pack, or hold food, and that are required to register under the Federal Food, Drug, and Cosmetic Act (FD&C Act) comply with the requirements of our regulation entitled ''Mitigation Strategies to Protect Food Against Intentional Adulteration.''

DATES: Submit either electronic or written comments on the draft guidance by December 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–1398 for ''Mitigation Strategies to Protect Food Against Intentional Adulteration: 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 guidance to the Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740. Send two self-addressed adhesive labels 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: Ryan Newkirk, Center for Food Safety and Applied Nutrition (HFS–005), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–3712, *ryan.newkirk@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The FDA Food Safety Modernization Act (FSMA) (Pub. L. 111–353) enables FDA to better protect public health by helping to ensure the safety and security of the food supply. FSMA enables FDA to focus more on preventing food safety problems rather than relying primarily on reacting to problems after they occur.

FSMA added to the FD&C Act several new sections that reference intentional adulteration. For example, section 418 of the FD&C Act (21 U.S.C. 350g) addresses intentional adulteration in the context of facilities that manufacture, process, pack, or hold food, and that are required to register under section 415 (21 U.S.C. 350d). Section 420 of the FD&C Act (21 U.S.C. 350i) addresses intentional adulteration in the context of high-risk foods and exempts farms except for farms that produce milk.

We are announcing the availability of a draft guidance for industry entitled ''Mitigation Strategies to Protect Food Against Intentional Adulteration: Guidance for Industry.'' This multi-chapter draft guidance for industry is intended to help food facilities required to comply develop and implement some of the components of a food defense plan, and meet other requirements under 21 CFR part 121. We are announcing the availability of the following chapters:

- Introduction
- Chapter One—The Food Defense Plan
- Chapter Two—Vulnerability Assessment to Identify Significant

Vulnerabilities and Actionable Process Steps

- Chapter Three—Mitigation Strategies for Actionable Process Steps
- Chapter Four—Mitigation Strategies Management Components: Food Defense Monitoring
- Appendix—Food Defense Plan Worksheets

We intend to announce the availability for public comment of additional and expanded chapters of the draft guidance as we complete them.

II. Significance of Guidance

This level 1 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 food defense measures against intentional adulteration for the regulation ''Mitigation Strategies to Protect Food Against Intentional Adulteration.'' 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.

III. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 507 have been approved under OMB control number 0910–0789.

IV. Electronic Access

Persons with access to the internet may obtain the draft guidance at either *https://www.fda.gov/Regulatory Information/Guidances/default.htm* or *https://www.regulations.gov.* Use the FDA website listed in the previous sentence to find the most current version of the guidance.

Dated: June 12, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–13222 Filed 6–19–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Meeting

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) announces the following advisory committee meeting.

Name: National Committee on Vital and Health Statistics (NCVHS), Standards Subcommittee Meeting.

Date and Times: Tuesday, July 17, 2018: 9:00 a.m.–5:00 p.m. (EDT), Wednesday, July 18, 2018: 8:30 a.m.–3:00 p.m. (EDT)

Place: U.S. Department of Health and Human Services, Hubert H. Humphrey Building, 200 Independence Avenue SW, Rm. 705A, Washington, DC 20201.

Status: Open. There will be three opportunities for public comment during the meeting: At the end of the first day, at the end of the morning of the second day, and prior to the meeting close on the second day.

Purpose: The NCVHS Charter stipulates that the Committee study the issues related to the adoption of uniform data standards for patient medical record information and the electronic exchange of such information and report to the Secretary of Health and Human Services (HHS) with recommendations and legislative proposals for such standards and electronic exchange. NCVHS also is charged with advising HHS on health data collection needs and strategies, and reviewing and monitoring the Department's data and information systems to identify needs, opportunities, and problems.

In this regard, NCVHS is taking a contemporary look at the health terminology and vocabulary landscape in order to advise the HHS Secretary regarding: (1) The changing environment and implications for timing and approach to health terminology and vocabulary standards adoption; (2) Needs, opportunities, and problems with development, dissemination, maintenance, and adoption of health terminology and vocabulary standards; and (3) Actions that HHS might take to improve development, dissemination, maintenance, and adoption of standards.

NCVHS is holding an expert roundtable meeting, in conjunction with the National Library of Medicine (NLM) in order to: (1) Assess strengths, weaknesses and gaps in the U.S. health terminology and vocabulary (T/V) environment; (2) Consider areas for near term improvement in the development, maintenance, dissemination and adoption of named code sets; (3) Discuss opportunities for improved governance, coordination and communication across terminology and vocabulary developers and their stakeholders; (4) Identify top priority gaps in the U.S. health terminology and vocabulary coverage; and (5) Envision a roadmap for introducing improvements over the next decade. Invited experts will have the opportunity to provide extensive input to the subcommittee as it studies these questions and finalizes an Environmental Scan report of the current state of the U.S. health terminology and vocabulary (T/V) environment.

The times and topics for this meeting are subject to change. Please refer to the posted agenda for any updates.

Contact Persons for More Information: Substantive program information may be obtained from Rebecca Hines, MHS, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, 3311 Toledo Road, Hyattsville, Maryland 20782, telephone (301) 458–4715. Information pertaining to meeting content may be obtained from Vivian Auld, National Institutes of Health, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, 20894–3833, telephone (301) 496–7974. Summaries of meetings and a roster of Committee members are available on the NCVHS website: *www.ncvhs.hhs.gov,* where further information including a meeting agenda and instructions to access the live audio broadcast of the meeting will be posted.

Should you require reasonable accommodation, please contact the CDC Office of Equal Employment Opportunity on (770) 488–3210 as soon as possible.

Dated: June 14, 2018.

Laina Bush,

Deputy Assistant Secretary for Planning and Evaluation, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 2018–13179 Filed 6–19–18; 8:45 am]

BILLING CODE 4151–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant and/or contract applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with grant and/or contract applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Special Emphasis Panel for Contract Review.

Date: July 10, 2018.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Cancer Institute, Shady Grove, 9609 Medical Center Drive, Room 7W530, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Shamala Srinivas, Ph.D., Scientific Review Officer, Office of Referral, Review, and Program Coordination, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W530, Bethesda, MD 20892–9750, 240–276–6442, *ss537t@nih.gov.*

Name of Committee: National Cancer Institute Initial Review Group; Subcommittee A—Cancer Centers.

Date: July 19, 2018.

Time: 8:00 a.m. to 3:45 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Shamala Srinivas, Ph.D., Scientific Review Officer, Office of Referral, Review, and Program Coordination, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W530, Bethesda, MD 20892–9750, 240–276–6442, *ss537t@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: June 13, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–13263 Filed 6–19–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Review of IPERT Applications.

Date: July 26, 2018.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington Marriott at Metro Center, 775 12th Street NW, Washington, DC 20005.

Contact Person: Lisa A. Dunbar, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN12, Bethesda, MD 20892, 301–594–2849, *dunbarl@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: June 14, 2018.

David D. Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–13265 Filed 6–19–18; 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; Cardiovascular and Respiratory Academic Research Enhancement Awards.

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.

Contact Person: Abdelouahab Aitouche, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4222, MSC 7814, Bethesda, MD 20892, 301–435–2365, *aitouchea@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR18–596: Molecular Mechanisms of Alzheimer's Disease, Synaptic Function and Neurodevelopment.

Date: July 17, 2018.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Carol Hamelink, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4192, MSC 7850, Bethesda, MD 20892, (301) 213–9887, *hamelinc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Amyloid Polymorphisms and Gylcosylation in Alzheimer's Disease.

Date: July 17, 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: Brian H Scott, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301–827–7490, *brianscott@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Chemo/Dietary Prevention and Cancer Biomarkers.

Date: July 17, 2018.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Zhang-Zhi Hu, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6186, MSC 7804, Bethesda, MD 20892, (301) 437–8135, *huzhuang@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Risk Prevention and Social Development.

Date: July 17, 2018.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health. 6701 Rockledge Drive. Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Weijia Ni, Ph.D., Chief/Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3100, MSC 7808, Bethesda, MD 20892, 301–594–3292, *niw@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 14, 2018.

David D. Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–13262 Filed 6–19–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; T1D NIDDK Review.

Date: June 29, 2018.

Time: 9:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Elena Sanovich, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7351, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, 301–594–8886, *sanoviche@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; RFA–DK–17–031: Characterization and Discovery of Novel Autoantigens and Epitopes in Type 1 Diabetes (R01).

Date: July 11, 2018.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Dianne Camp, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7013, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, 301–594–7682, *campd@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; PAR–18–012: NIDDK Program Projects (P01).

Date: July 17, 2018.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Ann A. Jerkins, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7119, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, 301–594–2242, *jerkinsa@niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Career Development Programs in Diabetes Research for Endocrinologists.

Date: July 18, 2018.

Time: 12:00 p.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Thomas A. Tatham, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7021, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–3993, *tathamt@mail.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK Review (R21).

Date: July 19, 2018.

Time: 2:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Xiaodu Guo, MD, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7023, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–4719, *guox@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; U34 Implementation Grants on Organ Transplantation.

Date: July 20, 2018.

Time: 3:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Maria E. Davila-Bloom, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7017, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7637, *davila-bloomm@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: June 14, 2018.

David D. Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–13264 Filed 6–19–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–IA–2018–0016; FXIA16710900000–156–FF09A30000]

Endangered Species; Issuance of Permits

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of issuance of permits.

SUMMARY: We, the U.S. Fish and Wildlife Service, have issued permits to conduct activities with endangered and threatened species under the authority of the Endangered Species Act, as amended (ESA). With some exceptions, the ESA prohibits activities involving listed species unless a Federal permit is issued that allows such activity.

ADDRESSES: Information about the applications for the permits listed in this notice is available online at

www.regulations.gov. See **SUPPLEMENTARY INFORMATION** for details.

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, (703) 358–2104 (telephone); *DMAFR@fws.gov* (email).

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service, have issued permits to conduct certain activities with endangered and threatened species in response to permit applications that we received under the authority of section 10(a)(1)(A) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*).

After considering the information submitted with each permit application and the public comments received, we issued the requested permits subject to certain conditions set forth in each permit. For each application for an endangered species, we found that (1) the application was filed in good faith, (2) the granted permit would not operate to the disadvantage of the endangered species, and (3) the granted permit would be consistent with the purposes and policy set forth in section 2 of the ESA.

Availability of Documents

The permittees' original permit application materials, along with public comments we received during public comment periods for the applications, are available for review. To locate the application materials and received comments, go to *www.regulations.gov* and search for the appropriate permit number (*e.g.,* 12345C) provided in the following table:

Permit No.	Applicant	Permit issuance date
21468B	Joan Helen Hemker d/b/a Hemker Park & Zoo	January 10, 2018.
59781A	New England Aquarium	January 16, 2018.
22842C	Zoological Society of Philadelphia	January 25, 2018.
48288C	Florida Fish and Wildlife Conservation Commission, Florida Fish and Wildlife Institute	January 25, 2018.
31674C	Point Defiance Zoo & Aquarium	February 8, 2018.

Authority

We issue this notice under the authority of the ESA, as amended (16 U.S.C. 1531 *et seq.*).

Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2018–13209 Filed 6–19–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[RR01115000, 18XR0680A1, RX.R0336902.0019100]

Yakima River Basin Conservation Advisory Group; Request for Nominations

AGENCY: Office of the Secretary, Interior.

ACTION: Notice and request for nominations.

SUMMARY: The U.S. Department of the Interior proposes to appoint members to the Yakima River Basin Conservation Advisory Group (CAG). The Secretary of the Interior, acting as administrative lead, is requesting nominations for qualified persons to serve as members of the CAG.

DATES: Nominations must be postmarked on or before July 20, 2018.

ADDRESSES: Nominations should be sent to Gwendolyn Christensen, Designated Federal Officer, Bureau of Reclamation, 1917 Marsh Rd., Yakima, WA 98901–2058.

FOR FURTHER INFORMATION CONTACT: Gwendolyn Christensen, telephone (509) 575–5848, extension 203; *gchristensen@usbr.gov.*

SUPPLEMENTARY INFORMATION:

Advisory Committee Scope and Objectives

The Yakima River Basin Water Enhancement Project, authorized by Title XII of the Act of October 31, 1994 (Act), Public Law 103–434, established the Yakima River Basin Water Conservation Program (Basin Conservation Program). The Act authorized the Secretary of the Interior to establish a CAG to provide advice and counsel on the structure, implementation, and oversight of the Basin Conservation Program. The Act also specifies the composition of the members to serve on the CAG.

The Basin Conservation Program is structured to provide economic incentives with cooperative Federal, State, and local funding to stimulate the identification and implementation of structural and nonstructural cost-effective water conservation measures in the Yakima River basin. Improvements in the efficiency of water delivery and use will result in improved streamflows for fish and wildlife and improve the reliability of water supplies for irrigation.

The duties or roles and functions of the CAG are in an advisory capacity only. They are to: (A) Provide recommendations to the Secretary and to the State of Washington regarding the structure and implementation of the Basin Conservation Program, (B) provide recommendations to the Secretary and to the State of Washington regarding the establishment of a permanent program for the measurement and reporting of all natural flow and contract diversions within the basin, (C) structure a process to prepare a basin conservation plan as specified in subsection (f), (D) provide annual review of the implementation of the applicable water conservation guidelines of the Secretary, and (E) provide recommendations consistent with statutes of the State of Washington on rules, regulations, and administration of a process to facilitate the voluntary sale or lease of water.

Membership Criteria

Members of the CAG are appointed by the Secretary and are comprised of—

(A) one representative of the Yakima River basin nonproratable irrigators,

(B) one representative of the Yakima River basin proratable irrigators,

(C) one representative of the Yakama Indian Nation,

(D) one representative of environmental interests,

(E) one representative of the Washington State University Agricultural Extension Service,

(F) one representative of the Department of Wildlife of the State of Washington, and

(G) one individual who shall serve as the facilitator.

At this time, we are particularly interested in applications from representatives of the following: One representative of the Yakama Indian Nation, and one representative of environmental interests.

After consultation, the Secretary of the Interior will appoint the members to the CAG. Members will be selected based on requirements set forth in the Act and their individual qualifications, as well as the overall need to achieve a balanced representation of viewpoints,

subject matter expertise, regional knowledge, and representation of communities of interest. CAG member terms are limited to three (3) years from their date of appointment. Following completion of their first term, a CAG member may request consideration for reappointment to an additional term. Reappointment is not guaranteed.

Typically, the CAG will hold one in-person meeting per fiscal year. Between meetings, CAG members are expected to participate in committee work via conference calls and email exchanges. Members of the CAG and its subcommittees serve without pay. However, while away from their homes or regular places of business in the performance of services of the CAG, members may be reimbursed for travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the government service, as authorized by section 5703 of title 5, United States Code.

Individuals who are federally registered lobbyists are ineligible to serve on all Federal Advisory Committee Act (FACA) and non-FACA boards, committees, or councils in an individual capacity. The term ''individual capacity'' refers to individuals who are appointed to exercise their own individual best judgment on behalf of the government, such as when they are designated Special Government Employees, rather than being appointed to represent a particular interest.

Nominations should include a resume that provides an adequate description of the nominee's qualifications, particularly information that will enable the Department of the Interior to evaluate the nominee's potential to meet the membership requirements of the Committee and permit the Department of the Interior to contact a potential member. Please refer to the membership criteria stated in this notice.

Any interested person or entity may nominate one or more qualified individuals for membership on the CAG. Persons or entities submitting nomination packages on the behalf of others must confirm that the individual(s) is/are aware of their nomination. Nominations must be postmarked on or before July 20, 2018 and sent to Gwendolyn Christensen, Designated Federal Officer, Bureau of Reclamation, 1917 Marsh Rd., Yakima, WA 98901–2058.

Public Disclosure of Comments

Before including your address, phone number, email address, or other personal identifying information in your nominations and/or comments, 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 nomination/comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: This notice is published in accordance with Section 9(a)(2) of 5 U.S.C. Appendix 2 (Public Law 92–463, as amended), Federal Advisory Committee Act of 1972.

Dated: June 4, 2018.

Ryan K. Zinke,

Secretary of the Interior.

[FR Doc. 2018–13268 Filed 6–19–18; 8:45 am]

BILLING CODE 4332–90–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVW03500.L51050000.EA0000.LVRCF 1705210.17XMO#4500108946]

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Burning Man Event 10-Year Special Recreation Permit, Pershing County, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) Black Rock Field Office, Winnemucca, Nevada intends to prepare an Environmental Impact Statement (EIS) to analyze the potential impacts of approving a 10-year Special Recreation Permit (SRP) for the Burning Man Event in Pershing County, Nevada. This Notice initiates public scoping period for the EIS. The public scoping process will assist the BLM with determining the issues to be addressed in the EIS, and serves to initiate public consultation, as required under the National Historic Preservation Act (NHPA).

DATES: Comments on issues may be submitted in writing until August 6, 2018. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through local media, newspapers and the BLM website at: *https://go.usa.gov/xnBTu.*

In order to ensure comments are considered in the development of the EIS, all comments must be received prior to the close of the 45-day scoping period or 15 days after the last public meeting, whichever is later. We will provide additional opportunities for public participation upon publication of the Draft EIS.

ADDRESSES: Comments related to the Burning Man SRP EIS should be submitted to following addresses:

- *Email: BLM_NV_BurningManEIS@blm.gov. Include ''Burning Man SRP EIS Comments'' in the subject line.*
- *Mail:* BLM—Winnemucca District Office—Black Rock Field Office, Attn: Mark E. Hall, Black Rock Field Manager, 5100 East Winnemucca Boulevard, Winnemucca, NV 89445.

FOR FURTHER INFORMATION CONTACT: Mark Hall at 775–623–1500 or *mehall@blm.gov.* Contact Mr. Hall to be added to our mailing list. Persons using a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week to leave a message with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The applicant, Black Rock City LLC (BRC), has applied for a 10-year SRP under 43 CFR 2930 and has submitted a proposal to conduct the Burning Man event on public lands administered by the BLM Black Rock Field Office. BRC's proposal includes the following:

- Population increase to permit up to 100,000 total persons at the event;
- Expansion of the BLM Closure Order boundary by 561 acres, to a total of 14,714 acres;
- Creation of an infrastructure staging area on or near the Playa (60 x 300 ft);
- Expansion of alternative transportation (Burner Express Bus/Burner Express Air);
- Expansion of the perimeter fence to 10.4 miles total length;
- Arrival of as many as 30,000 staff and builders one week prior to opening;
- Expansion of Black Rock City to 1,250 acres;
- Installation of additional interactive camps;
- Installation of additional large scale art pieces;
- BRC licensing of art cars and ADA compliant vehicles to drive on the playa during event week;
- Use of approximately 16.5 million gallons of water per year would be obtained from private groundwater wells, located at Fly Ranch owned by BRC, for dust abatement and in support of event activities; and
- BRC management of vendor and compliance monitoring.

A reasonable range of alternatives will be formulated. In addition to the proposed action, two alternatives have been identified for analysis. The No Action alternative will analyze continuation of the existing event with paid population of 70,000 and up to 10,000 volunteers and paid staff. The No Event alternative will analyze not having the event in the Black Rock-High Rock National Conservation Area. Additional alternatives may be determined. The EIS will assess the direct, indirect and cumulative effects of BRC's proposal as well as any recommended mitigation.

The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis, including alternatives and guide the process for developing the EIS. At present, the BLM has identified the following preliminary key issues:

- With the increase in participants, both the Pershing and Washoe County Sheriff offices may express concerns over public health and safety, and deputy staffing. Associated with this is the question of how the BLM will enforce applicable federal, state and local laws;
- With the increase in participants, increased amounts of airborne dust may be created, with associated air quality impacts;
- Surrounding communities and the Pyramid Lake Indian Reservation may express concerns on the amount of solid waste (trash and refuse) generated by participants and how it will be disposed as participants depart the event;
- A variety of groups may want to know how BLM will monitor the event to insure that there is no unnecessary or undue degradation of federal land, and that the BLM receives appropriate financial compensation and cost recovery under the law; and
- With the increase in participants, both the Nevada Department of Transportation and County of Washoe may raise concerns with traffic and load capacity issues on public roads that access the event.

The BLM will utilize and coordinate the NEPA scoping process to help fulfill the public involvement process under the NHPA as provided in 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the proposed action will assist the BLM in identifying and evaluating impacts to such resources in the context of both NEPA and the NHPA.

The BLM will consult with Native American tribes on a government-to-government basis in accordance with Executive Order 13175, Secretarial Order 3317 and other policies. Tribal concerns, including but not limited to impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State and local agencies and other stakeholders that may be interested in or affected by BRC's proposal are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate in the development of the environmental analysis as a cooperating agency.

Before including your address, phone number, email address or other personally identifiable information in your comment, you should be aware that your entire comment—including your personally identifiable information—may be made publicly available at any time. While you can ask the BLM in your comment to withhold your personally identifiable information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1501.7.

Mark E. Hall,

Field Manager, Black Rock Field Office.

[FR Doc. 2018–13244 Filed 6–19–18; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[12X.LLAK942000.L54200000.FR0000.LVDIL 12L0550; AA094268]

Notice of Application for a Recordable Disclaimer of Interest for Lands Underlying the Taku River in Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The State of Alaska has filed an application with the Bureau of Land Management (BLM) for a Recordable Disclaimer of Interest (RDI) from the United States in those lands underlying the Taku River located in southeast Alaska. The State of Alaska asserts that the Taku River was navigable and unreserved at the time of Alaska Statehood in 1959.

DATES: The BLM must receive all comments to this action on or before September 18, 2018.

ADDRESSES: You may submit comments by mail or email on the State of Alaska's application for an RDI or on the BLM draft ''Summary Report on Federal Interest in Lands underlying the Taku River in Alaska.'' To file comments by mail, send to RDI Program Manager (AK–942), Division of Lands and Cadastral, BLM Alaska State Office, 222 West 7th Avenue, #13, Anchorage, AK 99513. To submit comments by email, send to *anichols@blm.gov.*

FOR FURTHER INFORMATION CONTACT: Angie Nichols, RDI Program Manager, 222 West 7th Avenue, #13, Anchorage, AK 99513; 907–271–3359; *anichols@blm.gov;* or visit the BLM Recordable Disclaimer of Interest website at *https://www.blm.gov/programs/lands-and-realty/regional-information/alaska/RDI/southeast.*

People who use a telecommunications device for the deaf (TDD) may call the Federal Relay System (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or a question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: On March 14, 2017, the State of Alaska filed an application (AA–94268) for an RDI pursuant to Section 315 of the Federal Land Policy and Management Act of 1976 (FLPMA) and the regulations contained in 43 CFR 1864 for the lands underlying the Taku River in Alaska. The State asserts that this river was navigable at the time of Alaska Statehood. As such, the State contends that ownership of the lands underlying the Taku River automatically passed from the United States to the State of Alaska in 1959 at the time of Statehood under the Equal Footing Doctrine, the Submerged Lands Act of 1953, the Alaska Statehood Act, and other title navigability law.

Section 315 of FLPMA authorizes the BLM to issue an RDI when it determines that a record interest of the United States in lands has terminated by law or is otherwise invalid, and a disclaimer would help remove a cloud on title to such lands.

The State's application is for an RDI for all submerged lands between the ordinary high water mark of the left and right banks of the Taku River, beginning at the 60-foot boundary reserve within sections 10, 11, and 14; township 38 south; range 71 east; Copper River Meridian, Alaska; to the extent of tidal influence, regardless of location. The State listed the Taku River's coverage on the USGS 1:63,360 series topographic map Taku River B–6, (1951, minor revisions 1971); Taku River C–6 (1995); Taku River C–5, (1960) and Juneau B–1 quadrangles. The precise location may be within other townships due to the ambulatory nature of these water bodies.

The RDI is a legal document through which the BLM disclaims the United States' interest in or ownership of specified lands, but the disclaimer does not grant, convey, transfer, or renounce any title or interest in the lands, nor does it release any tax, judgment, or lien. This Notice of Application for a RDI is to inform the public of the pending application and the State of Alaska's supporting evidence, as well as to provide the opportunity to comment or provide additional information to the BLM.

The BLM will not make a final decision on the merits of the State's application before September 18, 2018.

During this 90-day period, interested parties may comment on the State's application, AA–94268, and supporting evidence. Interested parties may also comment on the BLM's draft ''Summary Report on Federal Interest in Lands underlying the Taku River in Alaska'' for the State's application for the RDI, which is available on the BLM's RDI website (see **FOR FURTHER INFORMATION CONTACT** above).

Copies of the State application, supporting evidence, the BLM Draft Summary Report, and comments, including names and street addresses of commenters, will be available in Anchorage for public review at the BLM Alaska State Office, Public Information Center (Public Room), Fitzgerald Federal Building, 222 West 8th Avenue, Monday through Friday, during regular business hours 8 a.m. to 4 p.m., except holidays.

Before including your address, phone number, email address, or other personally identifying information in your comment, you should be aware that your entire comment, including your personally identifying information, may be made publicly available at any time. While you can ask the BLM in your comment to withhold your personally identifying information from public review, we cannot guarantee that we will be able to do so.

If the BLM determines the State's evidence, and any additional information the agency receives concerning the State's application, are sufficient to find a favorable determination, and neither the records nor a valid objection discloses a reason not to disclaim, the BLM may decide to approve the application for the RDI.

Authority: 43 CFR 1864.2

Erika L. Reed,

Deputy State Director, Division of Lands and Cadastral, Alaska.

[FR Doc. 2018–13243 Filed 6–19–18; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO250000.18XL1109AF.L12200000.PM0000; OMB Control Number 1004–0165]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Cave Management: Cave Nominations and Confidential Information

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Land Management (BLM), are proposing to renew an information collection with revisions.

DATES: Interested persons are invited to submit comments on or before July 20, 2018.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to the BLM at U.S. Department of the Interior, Bureau of Land Management, 1849 C Street NW, Room 2134LM, Washington, DC 20240, Attention: Jean Sonneman; or by email to *jesonnem@blm.gov.* Please reference OMB Control Number 1004–0165 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Jonathan Jasper by email at *jjasper@blm.gov,* or by telephone at 435–688–3264. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format. A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on January 16, 2018 (83 FR 2180). The comment period closed on March 19, 2018. On April 12, 2018, 24 days after the comment period closed, the BLM received one comment via email. The comment referred specifically to the Bears Ears and Grand Staircase Escalante National Monuments.

Except for the mention of the OMB control number in the title of the comment, the comment did not mention the information collection, and the BLM has taken no action to revise the information collection in response to the comment. The BLM Information Collection Clearance Officer has forwarded the comments to the appropriate BLM staff for consideration.

We are again soliciting comments on the ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BLM; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BLM enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BLM minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Land-management agencies within the Department of the Interior use the information in order to comply with the Federal Cave Resources Protection Act (FCRPA), 16 U.S.C. 4301 through 4310 and the Department's regulations at 43 CFR part 37. The FRCPA requires these agencies to identify and protect ''significant'' caves on Federal lands within their respective jurisdictions, and allows agencies to disclose to the public the location of significant caves only in limited circumstances. However, the FRCPA and BLM regulations also authorize certain individuals, organizations, and governmental agencies to request confidential cave information.

Previously, the activities in this control number were not separated into collections from individuals, from the private sector, and from state, local, and

tribal governments. This request revises the control number, and thereby corrects that omission, by adding specific activities for the latter two categories of respondents, and by adding to the previous activity labels the word ''individuals.''

Title of Collection: Cave Management: Cave Nominations and Requests for Confidential Information.

OMB Control Number: 1004–0165.

Form Numbers: None.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Governmental agencies and the public may submit cave nominations pursuant to section 4 of the FCRPA (16 U.S.C. 4303) and 43 CFR 37.11. Requests for confidential information may be submitted pursuant to 16 U.S.C. 4304 and 43 CFR 37.12 by:

- Federal and state governmental agencies;
- Bona fide educational and research institutions; and
- Individuals and organizations assisting a land management agency with cave management activities.

Total Estimated Number of Annual Respondents: 28.

Total Estimated Number of Annual Responses: 28.

Estimated Completion Time per Response: Varies from 1 hour to 11 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 278.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Jean Sonneman,

Bureau of Land Management, Information Collection Clearance Officer.

[FR Doc. 2018–13245 Filed 6–19–18; 8:45 am]

BILLING CODE 4310–84–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1056]

Certain Collapsible Sockets for Mobile Electronic Devices and Components Thereof; Commission's Final Determination Finding a Violation of Section 337; Issuance of a General Exclusion Order; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has found a violation of section 337 of the Tariff Act of 1930, as amended, in this investigation. The Commission has issued a general exclusion order prohibiting the unlicensed importation of certain collapsible sockets that infringe certain claims of the asserted patent. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Lucy Grace D. Noyola, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202–205–3438. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on May 15, 2017, based on a complaint filed on April 10, 2017 on behalf of PopSockets LLC of Boulder, Colorado (''PopSockets''). 82 FR 22348–49 (May 15, 2017). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain collapsible sockets for mobile electronic devices and components thereof by reason of infringement of U.S. Patent No. 8,560,031 (''the '031 patent''). *Id.* The notice of investigation named as respondents Agomax Group Ltd. of Kowloon, Hong Kong; Hangzhou Hangkai Technology Co., Ltd. of Zhejiang, China; Yiwu Wentou Import & Export Co., Ltd. of Zhejiang, China; Shenzhen Enruize Technology Co., Ltd. of Shenzhen, China; and Guangzhou Xi Xun Electronics Co., Ltd.; Shenzhen Chuanghui Industry Co., Ltd. of Guangdong, China; Shenzhen VVI Electronic Limited; Shenzhen Yright Technology Co., Ltd.; Shenzhen Kinsen Technology Co., Limited; Shenzhen Showerstar Industrial Co., Ltd.; Shenzhen Lamye Technology Co., Ltd.; Jiangmen Besnovo Electronics Co., Ltd.; Shenzhen Belking Electronic Co., Ltd.; Shenzhen CEX Electronic Co., Limited, all of Guangdong, China. *Id.* The Office of Unfair Import Investigations (''OUII'') also was named as a party in the investigation.

On August 22, 2017, 13 out of 14 respondents were found in default. Notice (Aug. 22, 2017) (determining not to review Order No. 9 (Aug. 4, 2017)).

On September 18, 2017, the Commission terminated the last remaining respondent, Shenzhen Chuanghui Industry Co., Ltd., based on withdrawal of the complaint as to that respondent. Notice (Sept. 18, 2017) (determining not to review Order No. 10 (Aug. 28, 2017)).

On August 8, 2017, PopSockets filed a motion for summary determination that: (1) The defaulting respondents have sold for importation into the United States, imported into the United States, or sold after importation certain collapsible sockets for mobile electronic devices and components thereof that allegedly infringe certain claims of the '031 patent in violation of section 337; (2) the accused products infringe the asserted claims of the '031 patent; and (3) a domestic industry with respect to the '031 patent exists. The motion also requested a recommendation for entry of a general exclusion order and a bonding requirement pending Presidential review. On August 31, 2017, OUII filed a response supporting the motion in substantial part and supporting the requested remedy of a general exclusion order.

On February 1, 2018, the administrative law judge (''ALJ'') issued the subject initial determination (''ID'') (Order No. 11), granting PopSockets' motion for summary determination of a section 337 violation. The ID found that the defaulting respondents' accused products infringe one or more of claims 9–12 of the '031 patent, but found no infringement of claims 16 and 17 of the '031 patent. The ID found that the

defaulting respondents' accused products have been imported into the United States and that a domestic industry exists in the United States with respect to the '031 patent. No petitions for review of the ID were filed. The ALJ also issued a Recommended Determination on Remedy and Bonding, recommending that, if the Commission finds a section 337 violation, the Commission issue a general exclusion order and impose a bond of 100 percent during the period of Presidential review.

On March 19, 2018, the Commission determined to review in part the ID. 83 FR 12812 (Mar. 23, 2018). Specifically, the Commission determined to review (1) the ID's findings on the technical prong of the domestic industry requirement to correct a typographical error and (2) the ID's findings on the economic prong of the domestic industry requirement. The Commission determined not to review the remaining issues decided in the ID. The Commission requested additional briefing from the parties on the issues under review and also invited the parties, interested government agencies, and any other interested parties to file written submissions on the issues of remedy, the public interest, and bonding.

On April 2, 2018, PopSockets and OUII filed initial written submissions in response to the Commission's notice. On April 4, 2018, non-party Quest USA Corporation (''Quest'') filed a written submission. On April 11, 2018, PopSockets filed a reply to Quest's submission. Also on that day, OUII filed a reply to the submissions of PopSockets and Quest.

Having examined the record of this investigation, including the ID and the various submissions, the Commission has determined to affirm, on modified grounds, the ID's finding of a section 337 violation. The Commission affirms the ID's finding that the complainant satisfied the technical prong of the domestic industry requirement with the modification of a citation to ''Mem. Ex. 2 (Kemnitzer Decl.) at ¶ 77 (Infringement Analysis and Chart)'' at page 107 of the ID to ''Mem. Ex. 2 (Kemnitzer Decl.) at ¶ 61 (Analysis and Chart).'' The Commission affirms, with modified reasoning set forth in the opinion issued concurrently herewith, the ID's finding with respect to the economic prong of the domestic industry requirement under section 337(a)(3)(B), but takes no position with respect to subsections (A) and (C) (19 U.S.C. 1337(a)(3)(A), (B), (C)). The Commission finds that the statutory requirements for relief under section 337(g)(2) (19 U.S.C. 1337(g)(2)) are satisfied with respect to the defaulting respondents. In addition, the Commission finds that the public interest factors enumerated in section 337(g)(1) (19 U.S.C. 1337(g)(1)) do not preclude issuance of the statutory relief.

The Commission has determined the appropriate remedy is a general exclusion order prohibiting the unlicensed importation of certain collapsible sockets that infringe one or more of claims 9–12 of the '031 patent. The Commission has also determined to set a bond in the amount of 100 percent of the entered value of the infringing products imported during the period of Presidential review (19 U.S.C. 1337(j)). The Commission's order and opinion were delivered to the President and to the United States Trade Representative on the day of their issuance.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: June 14, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–13192 Filed 6–19–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1044]

Certain Graphics Systems, Components Thereof, and Consumer Products Containing the Same; Commission Determination To Review in Part a Final Initial Determination Finding a Section 337 Violation; Target Date Extension and Schedule for Filing Written Submissions

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in part a final initial determination (''FID'') of the presiding administrative law judge (''ALJ'') finding a violation of section 337 the Tariff Act of 1930, as amended; and extend the target date by five business days from August 15, 2018, to August 22, 2018.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–4716. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted Investigation No. 337–TA–1044 on March 22, 2017, based on a complaint filed by Complainants Advanced Micro Devices, Inc. of Sunnyvale, California and ATI Technologies ULC of Canada (collectively, ''AMD'' or ''Complainants''). *See* 82 FR 14748 (Mar. 22, 2017). The complaint, as amended, alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain graphics systems, components thereof, and consumer products containing the same, by reason of infringement of certain claims of U.S. Patent No. 7,633,506 (''the '506 patent''); U.S. Patent No. 7,796,133 (''the '133 patent''); U.S. Patent No. 8,760,454 (''the '454 patent''); and U.S. Patent No. 9,582,846 (''the '846 patent''). *Id.* The notice of investigation identified LG Electronics, Inc. of Seoul, Republic of Korea, LG Electronics U.S.A., Inc. of Englewood Cliffs, New Jersey, and LG Electronics MobileComm U.S.A. Inc. of San Diego, California (collectively, ''LG''), VIZIO, Inc. (''VIZIO'') of Irvine, California, MediaTek Inc. of Hsinchu City, Taiwan and Media Tek USA Inc. of San Jose, California (collectively, ''MediaTek''), and Sigma Designs, Inc. (''SDI'') of Fremont, California, as respondents in this investigation. *See id.* The Office of Unfair Import Investigations (OUII) is also a party to the investigation.

On October 20, 2017, the ALJ issued an initial determination terminating the investigation as to LG based on settlement. *See* Order No. 48 (Oct. 20, 2017), *unreviewed,* Comm'n Notice (Nov. 13, 2017). The remaining respondents in this investigation are

VIZIO, MediaTek, and SDI (hereinafter, ''the Remaining Respondents''). The ALJ also terminated the investigation with respect to all asserted claims of the '454 and '846 patents; claims 6, 7, and 9 of the '506 patent; and claims 2, 4–13, and 40 of the '133 patent. *See* Order No. 33 (Aug. 15, 2017), *unreviewed,* Comm'n Notice (Sept. 5, 2017); Order No. 43 (Oct. 5, 2017), *unreviewed,* Comm'n Notice (Oct. 31, 2017); Order No. 49 (Oct. 20, 2017), *unreviewed,* Comm'n Notice (Nov. 13, 2017); Order No. 53 (Oct. 31, 2017), *unreviewed,* Comm'n Notice (Nov. 28, 2017). Claims 1–5 and 8 of the '506 patent and claims 1 and 3 of the '133 patent (hereinafter, ''the asserted claims'') remain pending in this investigation.

On April 13, 2018, the ALJ issued her FID finding a violation of section 337 with respect to the '506 patent but not the '133 patent. Specifically, the FID finds that: (1) Certain accused products infringe the asserted claims of the '506 patent but not the '133 patent; (2) the asserted claims are not invalid; and (3) Complainants satisfy the economic and technical prongs of the domestic industry requirement with respect to both asserted patents. In addition, the ALJ recommended that the Commission issue: (1) a Limited Exclusion Order against the infringing accused products; and (2) Cease and Desist Orders against Respondents VIZIO and SDI. The ALJ further recommended against setting a bond during Presidential review.

The Commission has determined to review the FID in part. In particular, the Commission has determined to review the claim constructions of the terms: ''unified shader'' (recited in the '506 and '133 patent claims), ''packet'' (recited in the '133 patent claims), and ''ALU/memory pair'' (recited in the '133 patent claims). In view of the Commission's claim construction review, the Commission will also review the relevant FID's findings with respect to infringement, validity, and technical prong of the domestic industry requirement. Furthermore, the Commission has determined to review whether the importation requirement is satisfied with respect to Respondents MediaTek and SDI. The Commission has determined not to review the remainder of the FID. The Commission has also determined to extend the target date by five business days from August 15, 2018, to August 22, 2018.

In connection with the review, the parties are requested to brief their positions with reference to the applicable law and the evidentiary record regarding the questions provided below:

1. Consistent with the specification of the '506 patent (JX–1) and with the patentee's statements during the prosecution of the '506 patent (JX–2) distinguishing Zhu U.S. Patent No. 6,697,063 at JX–2.387–388, the Commission proposes to construe the term ''unified shader'' to mean ''a single shader circuit capable of performing color shading and texture coordinate shading, wherein the single shader circuit may not include separate dedicated hardware blocks that perform separate color and texture operations, and wherein texture coordinate shading may include texture address operations, indirect texturing, and bump mapping performed by the unified shader to modify texture coordinates.'' In view of the Commission's proposed construction, please explain: (1) Whether and why you agree or disagree with the Commission's proposed construction; and (2) whether and why the Commission's proposed construction affects the FID's infringement and invalidity analyses with respect to the '506 patent.

2. Consistent with the specification of the '133 patent (JX–2) and with the patentee's statements during the prosecution of the '133 patent (JX–4) distinguishing Donham U.S. Patent No. 6,980,209 at JX–4.240–41 and JX–4.272, the Commission proposes to construe the term ''unified shader'' to mean ''a single shader circuit capable of performing color shading and texture coordinate shading, wherein the single shader circuit may not include separate dedicated hardware blocks that perform separate color and texture operations, and wherein texture coordinate shading may include texture address operations, indirect texturing, and bump mapping performed by the unified shader to modify texture coordinates.'' In view of the Commission's proposed construction, please explain: (1) Whether and why you agree or disagree with the Commission's proposed construction; and (2) whether and why the Commission's proposed construction affects the FID's infringement and invalidity analyses with respect to the '133 patent.

3. Consistent with the specification of the '133 patent (JX–3) and with the patentee's statements during the prosecution of the '133 patent (JX–4) distinguishing Morgan U.S. Patent No. 6,384,824 at JX–4.89, the Commission proposes to construe the term ''packet'' to mean ''data bundle containing texture coordinate and color value information for one or more pixels, wherein said information is received simultaneously by the unified shader,'' *i.e.,* in the same packet rather than serially as suggested by Complainants. In view of the Commission's proposed construction, please explain: (1) Whether and why you agree or disagree with the Commission's proposed construction; and (2) whether and why the Commission's proposed construction affects the FID's infringement and invalidity analyses with respect to the '133 patent.

4. Consistent with the specification of the '133 patent (JX–3), the Commission proposes to modify the FID's interpretation with respect to the scope of the term ''ALU/memory pair'' to clarify that it does not exclude control logic or circuitry. In view of the Commission's proposed interpretation, please explain: (1) Whether and why you agree or disagree with the Commission's proposed interpretation; and (2) whether and why the Commission's proposed interpretation affects the FID's infringement and invalidity analyses with respect to the '133 patent.

In addition, in connection with the final disposition of this investigation, the Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) issue one or more cease and desist orders that could result in the respondent(s) being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, *see Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843 (Dec. 1994) (Comm'n Op.).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the

aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: The parties to the investigation are requested to file written submissions on the questions identified in this notice. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding. Complainants and OUII are also requested to submit proposed remedial orders for the Commission's consideration. Complainants are also requested to state the date that the asserted patents expire and the HTSUS numbers under which the accused products are imported. Complainants are further requested to supply the names of known importers of the products at issue in this investigation.

Written submissions and proposed remedial orders must be filed no later than close of business on June 28, 2018. Reply submissions must be filed no later than the close of business on July 6, 2018. Initial written submissions may not exceed 50 pages in length, exclusive of any exhibits, while reply submissions may not exceed 25 pages in length, exclusive of any exhibits. No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number (''Inv. No. 337–TA–1044'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[1] solely for cybersecurity purposes. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: June 14, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–13191 Filed 6–19–18; 8:45 am]

BILLING CODE 7020–02–P

[1] All contract personnel will sign appropriate nondisclosure agreements.

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–567]

Generalized System of Preferences: Possible Modifications, 2017 Review

AGENCY: United States International Trade Commission.

ACTION: Notice of amendment of scope of investigation.

SUMMARY: Following receipt on June 6, 2018 of a correction to the United States Trade Representative's (USTR) request letter of May 18, 2018, the U.S. International Trade Commission (Commission) has amended the scope of its investigation No. 332–567, Generalized System of Preferences: Possible Modifications, 2017 Review, and will treat ferroniobium, nesoi, from Brazil, provided for in subheading 7202.93.80 of the Harmonized Tariff Schedule, as having been listed in Table E of the Annex to the USTR's request letter instead of Table D. As a result, the Commission will also provide advice for this article with respect to whether a like or directly competitive article was being produced in the United States in any of the preceding three calendar years.

DATES:

June 4, 2018: Deadline for filing requests to appear at the public hearing.

June 7, 2018: Deadline for filing pre-hearing briefs and statements.

June 14, 2018: Public hearing.

June 21, 2018: Deadline for filing post-hearing briefs and statements.

June 21, 2018: Deadline for filing all other written submissions.

September 7, 2018: Transmittal of Commission report to the USTR.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW, Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Information specific to this investigation may be obtained from Sabina Neumann, Project Leader, Office of Industries (202–205–3000 or *sabina.neumann@usitc.gov*), Mark Brininstool, Deputy Project Leader, Office of Industries (202–708–1395 or *mark.brininstool@usitc.gov*), or Marin Weaver, Technical Advisor, Office of Industries (202–205–3461 or *marin.weaver@usitc.gov.* For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or *margaret.olaughlin@usitc.gov*). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission

may also be obtained by accessing its website (*http://www.usitc.gov*). Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

Background: All dates and other information relating to this investigation remain the same as in the Commission's notice of investigation and public hearing issued on May 23, 2018 and published in the **Federal Register** of May 25, 2018 (83 FR 24342).

By order of the Commission.
Issued: June 14, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–13176 Filed 6–19–18; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Fisher Clinical Services, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before July 20, 2018. Such persons may also file a written request for a hearing on the application on or before July 20, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA **Federal Register** Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA **Federal Register** Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on March 16, 2018, Fisher Clinical Services, Inc., 7554 Schantz Road, Allentown, Pennsylvania 18106 applied to be registered as an importer of 1-[1-(2-Thienyl)cyclohexyl]pyrrolidine (7473), a basic class of controlled substance listed in schedule I.

The company plans to import the controlled substance in finished dosage form for testing and clinical trials purposes only.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under to 21 U.S.C. 952(a)(2). Authorization will not extend to the import of FDA approved or non-approved finished dosage forms for commercial sale.

Dated: June 12, 2018.

John J. Martin,

Assistant Administrator.

[FR Doc. 2018–13224 Filed 6–19–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Registration

ACTION: Notice of registration.

SUMMARY: Registrants listed below have applied for and been granted registration by the Drug Enforcement Administration (DEA) as bulk manufacturers of various classes of schedule I and II controlled substances.

SUPPLEMENTARY INFORMATION: The companies listed below applied to be registered as bulk manufacturers of various basic classes of controlled substances. Information on previously published notices is listed in the table below. No comments or objections were submitted for these notices.

Company	FR Docket	Published
AMRI Rensselaer, Inc	83 FR 5808	February 9, 2018.
Stepan Company	83 FR 9029	March 2, 2018.
Research Triangle Institute	83 FR 10523	March 9, 2018.
Rhodes Technologies	83 FR 12407	March 21, 2018.
Synthcon, LLC	83 FR 13141	March 27, 2018.
National Center for Natural Products—Research NIDA MPROJECT	83 FR 13522	March 29, 2018.
Insys Manufacturing LLC	83 FR 13522	March 29, 2018.
Navinta LLC	83 FR 13521	March 29, 2018.

The DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of these registrants to manufacture the applicable basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated each of the company's maintenance of effective controls against diversion by inspecting and testing each company's physical security systems, verifying each company's compliance with state and local laws, and reviewing each company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the DEA has granted a registration as a bulk manufacturer to the above listed companies.

Dated: June 12, 2018.

John J. Martin,

Assistant Administrator.

[FR Doc. 2018–13223 Filed 6–19–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: American Radiolabeled Chem

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before August 20, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on March 13, 2018, American Radiolabeled Chem, 101 Arc Drive, St. Louis, MO 63146 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Gamma Hydroxybutyric Acid	2010	I
Ibogaine	7260	I
Lysergic acid diethylamide	7315	I
Tetrahydrocannabinols	7370	I
Dimethyltryptamine	7435	I
1-[1-(2-Thienyl)cyclohexyl]piperidine	7470	I
Dihydromorphine	9145	I
Heroin	9200	I
Normorphine	9313	I
Amphetamine	1100	II
Methamphetamine	1105	II
Amobarbital	2125	II
Phencyclidine	7471	II
Phenylacetone	8501	II
Cocaine	9041	II
Codeine	9050	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Ecgonine	9180	II
Hydrocodone	9193	II
Meperidine	9230	II
Metazocine	9240	II
Methadone	9250	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
Morphine	9300	II
Oripavine	9330	II
Thebaine	9333	II
Oxymorphone	9652	II
Phenazocine	9715	II
Carfentanil	9743	II
Fentanyl	9801	II

The company plans to manufacture small quantities of the above-listed controlled substances as radiolabeled compounds for biochemical research.

Dated: June 12, 2018.

John J. Martin,

Assistant Administrator.

[FR Doc. 2018–13231 Filed 6–19–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Cerilliant Corporation

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before August 20, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA **Federal Register** Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers,

importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been delegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on May 4th, 2018, Cerilliant Corporation, 811 Paloma Drive, Suite A, Round Rock, Texas 78665 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
3-Fluoro-N-methylcathinone (3–FMC)	1233	I
Cathinone	1235	I
Methcathinone	1237	I
4-Fluoro-N-methylcathinone (4–FMC)	1238	I
Pentedrone (α-methylaminovalerophenone)	1246	I
Mephedrone (4-Methyl-N-methylcathinone)	1248	I
4-Methyl-N-ethylcathinone (4–MEC)	1249	I
Naphyrone	1258	I
N-Ethylamphetamine	1475	I
N,N-Dimethylamphetamine	1480	I
Fenethylline	1503	I
Aminorex	1585	I
4-Methylaminorex (cis isomer)	1590	I
Gamma Hydroxybutyric Acid	2010	I
Methaqualone	2565	I
JWH–250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole)	6250	I
SR–18 (Also known as RCS–8) (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl)indole)	7008	I
ADB–FUBINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7010	I
5-Fluoro-UR–144 and XLR11 [1-(5-Fluoro-pentyl)1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone	7011	I
AB–FUBINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7012	I
JWH–019 (1-Hexyl-3-(1-naphthoyl)indole)	7019	I
MDMB–FUBINACA (Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7020	I
FUB–AMB, MMB-Fubinaca 2-(1-(4-fluorobenzyl)-1Hindazole-3-carboxamido)-3-methylbutanoate	7021	I
AB–PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7023	I
THJ–2201 [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone	7024	I
AB–CHMINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide	7031	I
MAB–CHMINACA (N-(1-amino-3,3dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide)	7032	I
5F–AMB (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate)	7033	I
5F–ADB; 5F–MDMB–PINACA (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7034	I
ADB–PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7035	I
MDMB–CHMICA, MMB–CHMINACA (Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate).	7042	I
APINACA and AKB48 N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide	7048	I
5F–APINACA, 5F–AKB48 (N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide)	7049	I
JWH–081 (1-Pentyl-3-(1-(4-methoxynaphthoyl) indole)	7081	I
SR–19 (Also known as RCS–4) (1-Pentyl-3-[(4-methoxy)-benzoyl]indole)	7104	I
JWH–018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole)	7118	I
JWH–122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole)	7122	I
UR–144 (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone	7144	I
JWH–073 (1-Butyl-3-(1-naphthoyl)indole)	7173	I
JWH–200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole)	7200	I
AM2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl)indole)	7201	I
JWH–203 (1-Pentyl-3-(2-chlorophenylacetyl)indole)	7203	I
PB–22 (Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate)	7222	I
5F–PB–22 (Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate)	7225	I
Alpha-ethyltryptamine	7249	I
CP–47,497 (5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol)	7297	I
CP–47,497 C8 Homologue (5-(1,1-Dimethyloctyl)-2-[(1R,3S)3-hydroxycyclohexyl-phenol)	7298	I
Lysergic acid diethylamide	7315	I
2,5-Dimethoxy-4-(n)-propylthiophenethylamine (2C–T–7)	7348	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Parahexyl	7374	I
Mescaline	7381	I
2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine (2C–T–2)	7385	I
3,4,5-Trimethoxyamphetamine	7390	I
4-Bromo-2,5-dimethoxyamphetamine	7391	I
4-Bromo-2,5-dimethoxyphenethylamine	7392	I
4-Methyl-2,5-dimethoxyamphetamine	7395	I
2,5-Dimethoxyamphetamine	7396	I
JWH–398 (1-Pentyl-3-(4-chloro-1-naphthoyl)indole)	7398	I
2,5-Dimethoxy-4-ethylamphetamine	7399	I
3,4-Methylenedioxyamphetamine	7400	I
5-Methoxy-3,4-methylenedioxyamphetamine	7401	I
N-Hydroxy-3,4-methylenedioxyamphetamine	7402	I
3,4-Methylenedioxy-N-ethylamphetamine	7404	I
3,4-Methylenedioxymethamphetamine	7405	I

Controlled substance	Drug code	Schedule
4-Methoxyamphetamine	7411	I
5-Methoxy-N–N-dimethyltryptamine	7431	I
Alpha-methyltryptamine	7432	I
Bufotenine	7433	I
Diethyltryptamine	7434	I
Dimethyltryptamine	7435	I
Psilocybin	7437	I
Psilocyn	7438	I
5-Methoxy-N,N-diisopropyltryptamine	7439	I
N-Ethyl-1-phenylcyclohexylamine	7455	I
1-(1-Phenylcyclohexyl)pyrrolidine	7458	I
1-[1-(2-Thienyl)cyclohexyl]piperidine	7470	I
N-Benzylpiperazine	7493	I
4-Methyl-alphapyrrolidinopropiophenone (4-MePPP)	7498	I
2-(2,5-Dimethoxy-4-methylphenyl) ethanamine (2C–D)	7508	I
2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine (2C–E)	7509	I
2-(2,5-Dimethoxyphenyl) ethanamine (2C–H)	7517	I
2-(4-iodo-2,5-dimethoxyphenyl) ethanamine (2C–I)	7518	I
2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (2C–C)	7519	I
2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C–N)	7521	I
2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine (2C–P)	7524	I
2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine (2C–T–4)	7532	I
MDPV (3,4-Methylenedioxypyrovalerone)	7535	I
2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25B–NBOMe)	7536	I
2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25C–NBOMe)	7537	I
2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25I–NBOMe)	7538	I
Methylone (3,4-Methylenedioxy-N-methylcathinone)	7540	I
Butylone	7541	I
Pentylone	7542	I
alpha-pyrrolidinopentiophenone (α-PVP)	7545	I
alpha-pyrrolidinobutiophenone (α-PBP)	7546	I
AM–694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole)	7694	I
Acetyldihydrocodeine	9051	I
Benzylmorphine	9052	I
Codeine-N-oxide	9053	I
Desomorphine	9055	I
Codeine methylbromide	9070	I
Dihydromorphine	9145	I
Heroin	9200	I
Hydromorphinol	9301	I
Methyldesorphine	9302	I
Methyldihydromorphine	9304	I
Morphine methylbromide	9305	I
Morphine methylsulfonate	9306	I
Morphine-N-oxide	9307	I
Normorphine	9313	I
Pholcodine	9314	I
U–47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)	9547	I
AH–7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide)	9551	I
MT45	9560	I
Acetylmethadol	9601	I
Allylprodine	9602	I
Alphacetylmethadol except levo-alphacetylmethadol	9603	I
Alphameprodine	9604	I
Alphamethadol	9605	I
Betacetylmethadol	9607	I
Betameprodine	9608	I
Betamethadol	9609	I
Betaprodine	9611	I
Dipipanone	9622	I
Hydroxypethidine	9627	I
Noracymethadol	9633	I
Norlevorphanol	9634	I
Normethadone	9635	I
Trimeperidine	9646	I
Phenomorphan	9647	I
1-Methyl-4-phenyl-4-propionoxypiperidine	9661	I
Tilidine	9750	I
Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide)	9811	I
Para-Fluorofentanyl	9812	I
3-Methylfentanyl	9813	I
Alpha-methylfentanyl	9814	I
Acetyl-alpha-methylfentanyl	9815	I
Orthofluorofentanyl N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4yl)propionamide	9816	I

Controlled substance	Drug code	Schedule
Acetyl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)	9821	I
Butyryl Fentanyl	9822	I
Para-Fluorobutyrl Fentanyl	9823	I
4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)	9824	I
Methoxyacetyl Fentanyl 2-methoxy-N-(1-phenethylpiperidin-4-yl)-Nphenylacetamide	9825	I
Para-Chloroisobutyrl Fentanyl	9826	I
Isobutyryl Fentanyl	9827	I
Beta-hydroxyfentanyl	9830	I
Beta-hydroxy-3-methylfentanyl	9831	I
Alpha-methylthiofentanyl	9832	I
3-Methylthiofentanyl	9833	I
Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide)	9834	I
Thiofentanyl	9835	I
Beta-hydroxythiofentanyl	9836	I
Para-methoxybutyryl fentanyl	9837	I
Ocfentanil	9838	I
Valeryl Fentanyl	9840	I
Tetrahydrofuranyl Fentanyl N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran2-carboxamide	9843	I
Cyclopropyl Fentanyl	9845	I
Cyclopentyl fentanyl	9847	I
Fentanyl related-compounds as defined in 21 CFR 1308.11(h)	9850	I
Amphetamine	1100	II
Methamphetamine	1105	II
Lisdexamfetamine	1205	II
Phenmetrazine	1631	II
Methylphenidate	1724	II
Amobarbital	2125	II
Pentobarbital	2270	II
Secobarbital	2315	II
Glutethimide	2550	II
Nabilone	7379	II
1-Phenylcyclohexylamine	7460	II
Phencyclidine	7471	II
4-Anilino-N-phenethyl-4-piperidine (ANPP)	8333	II
1-Piperidinocyclohexanecarbonitrile	8603	II
Alphaprodine	9010	II
Cocaine	9041	II
Codeine	9050	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Diphenoxylate	9170	II
Ecgonine	9180	II
Ethylmorphine	9190	II
Hydrocodone	9193	II
Levomethorphan	9210	II
Levorphanol	9220	II
Isomethadone	9226	II
Meperidine	9230	II
Meperidine intermediate-A	9232	II
Meperidine intermediate-B	9233	II
Meperidine intermediate-C	9234	II
Metazocine	9240	II
Methadone	9250	II
Methadone intermediate	9254	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
Morphine	9300	II
Thebaine	9333	II
Levo-alphacetylmethadol	9648	II
Oxymorphone	9652	II
Noroxymorphone	9668	II
Thiafentanil	9729	II
Racemethorphan	9732	II
Alfentanil	9737	II
Remifentanil	9739	II
Sufentanil	9740	II
Carfentanil	9743	II
Tapentadol	9780	II
Fentanyl	9801	II

The company plans to manufacture small quantities of the listed controlled substances to make reference standards which will be distributed to its customers.

Dated: June 12, 2018.

John J. Martin,

Assistant Administrator.

[FR Doc. 2018–13221 Filed 6–19–18; 8:45 am]

BILLING CODE 4410–09–P

NATIONAL SCIENCE FOUNDATION

Request for Information—Environmental Research and Education, National Security, and Economic Competitiveness

AGENCY: National Science Foundation.

ACTION: Notice of Request for Information.

SUMMARY: The purpose of this Request for Information (RFI) is to seek input from the public on possible future directions for fundamental environmental science and education. The RFI intends to gather views from external stakeholders on what environmental research and education is needed to further advance national security and economic competitiveness. NSF's Advisory Committee for Environmental Research and Education (AC ERE) will use the input to develop a report on these topics to inform NSF and the community.

DATES: Written comments must be submitted by August 20, 2018.

ADDRESSES: Responses will be submitted via online survey (*https://www.surveymonkey.com/r/ACERE-RFI-2018*). See the instructions in the **SUPPLEMENTARY INFORMATION** for guidelines.

FOR FURTHER INFORMATION CONTACT: Contact Leah Nichols, Executive Secretary for the AC ERE, at *lenichol@nsf.gov* for further information.

SUPPLEMENTARY INFORMATION: The National Science Foundation's Advisory Committee for Environmental Research and Education (AC ERE) invites your input on possible environmental research and education directions to further advance national security and economic competitiveness. The purpose of the AC ERE is to:

- Provide advice, recommendations and oversight concerning support for the NSF's environmental research and education portfolio;
- Be a base of contact with the scientific community to inform NSF of the impact of its research support and NSF-wide policies on the scientific community;
- Serve as a forum for consideration of interdisciplinary environmental topics as well as environmental activities in a wide range of disciplines;
- Provide broad input into long-range plans and partnership opportunities; and
- Provide advice about program management, overall program balance, and other aspects of program performance for environmental research and education activities.

The Committee has been interested broadly in fundamental environmental research and education that also has societal utility. It has recently focused its attention on two major topics where there is broad consensus on the importance of the research to date, but where significant research questions remain. These topics are at the nexus of environmental science and engineering with economic growth and competitiveness, and the relationship of environmental factors to national and human security. The Committee is particularly interested in approaches that promote convergent research across disciplines and sectors to address economic competitiveness and economic security.

To identify emerging research questions in these areas, the committee is reaching out to interested and knowledgeable members of the scientific community in all disciplines and interdisciplinary areas for their views. The AC ERE is also interested in the views of professionals who are directly involved in decision-making or operational activities in these areas, and who therefore can provide a very practical perspective on high-priority research and education topics.

The AC ERE invites individuals and groups of individuals to provide input on one or both of the topics described above via this link: *https://www.surveymonkey.com/r/ACERE-RFI-2018.*

The online submission form requires the following information:

1. Author name(s) and affiliation(s);
2. Valid contact email address;
3. Title of the response;
4. An abstract (200 words or less) summarizing the response; and
5. Checkbox to consent to allow the AC ERE to display the submitted information, consistent with the Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License (*https://creativecommons.org/licenses/by-nc-nd/4.0/legalcode*).

You will also be asked to identify whether your response focuses on questions in environmental research and education that are pertinent to (a) economic growth and competitiveness, (b) national and human security, or (c) both topics. The submission form includes the following question prompts. Respondents may respond to all or any subset of these questions.

- What are the major environmental research priorities with the greatest potential to contribute to economic growth and competitiveness and/or national or human security/wellbeing? Priorities could, for example, include empirical, theoretical, or qualitative analyses, establishing baselines, and/or experimental studies. (500 words or less)
- What methodologies should be used for conducting such studies? Methodological recommendations could include the prospects for interdisciplinary and/or convergent research approaches, including modeling, theory, empirical, qualitative, and/or experimental studies. Methodological recommendations could also discuss the scope of studies, *e.g.* the balance between single-investigator studies and large teams. (500 words or less)
- What education (including formal and informal), research, and training opportunities—for students, postdoctoral researchers, and mid-career scientists—are needed? Opportunities might include interdisciplinary, team-based, or other innovative, value-added strategies for realizing higher levels of depth and breadth at the individual level, and/or expansion of the current environmental research community through inclusion of currently under-represented groups. (500 words or less)
- Beyond economic competitiveness and national security, what other high priority drivers of environmental science and education need attention? (200 words or less)

Submissions must be received by 5:00 p.m. Eastern Time on August 20, 2018. Respondents may edit their responses while completing the survey, but will not be able to save work in progress to complete later. Respondents will see a confirmation screen upon successful submission responses.

The committee and associated staff will read and analyze all responses received, and use them, in addition to its own background work, to develop a report on these topics to inform NSF and the community. It intends to publish this report by the end of 2018.

The AC ERE also anticipates making submissions publicly accessible through its website (*https://www.nsf.gov/ere/ereweb/advisory.jsp*). Authors who do not wish to have their full responses posted online may restrict access to the AC ERE and associated staff. However,

the author(s) name and affiliation, submission title, and abstract will be included in the publicly accessible list of responses regardless.

The AC ERE invites you to step outside of the immediate demands of your current research and to think boldly about the opportunities for advancing environmental research and education into its next stage through a lens focused on economic competitiveness and/or national security. The Committee looks forward to your contributions.

For questions concerning this effort and submission of input, please contact Leah Nichols, Executive Secretary for the AC ERE, at *lenichol@nsf.gov.*

Dated: June 15, 2018.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2018–13213 Filed 6–19–18; 8:45 am]

BILLING CODE 7555–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2017–276; MC2018–174 and CP2018–246; MC2018–175 and CP2018–247; MC2018–176 and CP2018–248; MC2018–177 and CP2018–249; MC2018–178 and CP2018–250; MC2018–179 and CP2018–251; MC2018–180 and CP2018–252]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* June 22, 2018 and June 25, 2018.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

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

SUPPLEMENTARY INFORMATION: The June 22, 2018 comment due date applies to Docket Nos. CP2017–276; MC2018–174 and CP2018–246; MC2018–175 and CP2018–247; MC2018–176 and CP2018–248; MC2018–177 and CP2018–249.

The June 25, 2018 comment due date applies to Docket Nos. MC2018–178 and CP2018–250; MC2018–179 and CP2018–251; MC2018–180 and CP2018–252.

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I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* CP2017–286; *Filing Title:* USPS Notice of Amendment to Priority Mail Contract 349, Filed Under Seal; *Filing Acceptance Date:* June 14, 2018; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Gregory Stanton; *Comments Due:* June 22, 2018.

2. *Docket No(s).:* MC2018–174 and CP2018–246; *Filing Title:* USPS Request to Add Priority Mail & First-Class Package Service Contract 81 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 14, 2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Christopher C. Mohr; *Comments Due:* June 22, 2018.

3. *Docket No(s).:* MC2018–175 and CP2018–247; *Filing Title:* USPS Request to Add Priority Mail & First-Class Package Service Contract 82 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 14, 2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Christopher C. Mohr; *Comments Due:* June 22, 2018.

4. *Docket No(s).:* MC2018–176 and CP2018–248; *Filing Title:* USPS Request to Add Priority Mail Contract 446 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 14, 2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Kenneth R. Moeller; *Comments Due:* June 22, 2018.

5. *Docket No(s).:* MC2018–177 and CP2018–249; *Filing Title:* USPS Request to Add Priority Mail Contract 447 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 14, 2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Kenneth R. Moeller; *Comments Due:* June 22, 2018.

6. *Docket No(s).:* MC2018–178 and CP2018–250; *Filing Title:* USPS Request to Add Priority Mail Contract 448 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 14, 2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Curtis E. Kidd; *Comments Due:* June 25, 2018.

7. *Docket No(s).:* MC2018–179 and CP2018–251; *Filing Title:* USPS Request to Add Parcel Select Contract 31 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 14, 2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Curtis E. Kidd; *Comments Due:* June 25, 2018.

8. *Docket No(s).:* MC2018–180 and CP2018–252; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & First-Class Package Service Contract 39 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 14,

2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Gregory Stanton, *Comments Due:* June 25, 2018.

This Notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2018–13252 Filed 6–19–18; 8:45 am]

BILLING CODE 7710–FW–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 20, 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 14, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 447 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–177, CP2018–249.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–13183 Filed 6–19–18; 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 20, 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 14, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 448 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–178, CP2018–250.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–13184 Filed 6–19–18; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Parcel Select 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 notice required under 39 U.S.C. 3642(d)(1):* June 20, 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 14, 2018, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Parcel Select Contract 31 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–179, CP2018–251.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–13185 Filed 6–19–18; 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 20, 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 14, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 446 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–176, CP2018–248.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–13182 Filed 6–19–18; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and 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 20, 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 14, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & First-Class Package Service Contract 81 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–174, CP2018–246.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–13180 Filed 6–19–18; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and 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 20, 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 14, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & First-Class Package Service Contract 82 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–175, CP2018–247.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–13181 Filed 6–19–18; 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 20, 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 14, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail, & First-Class Package Service Contract 39 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–180, CP2018–252.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–13186 Filed 6–19–18; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83439; File No. SR–NYSENAT–2018–12]

Self-Regulatory Organizations; NYSE National, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt Transaction, Routing, and Port Fees In Connection With the Re-Launch of Trading on the Exchange

June 14, 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 6, 2018, NYSE National, Inc. (the ''Exchange'' or ''NYSE National'') 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 Substance of the Proposed Rule Change

The Exchange proposes to adopt transaction, routing, and port fees in connection with the re-launch of trading on the Exchange. The Exchange proposes to implement the rule change on June 6, 2018.[4] The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

On February 1, 2017, the Exchange ceased trading operations.[5] On May 17, 2018, the Commission approved rule changes to support re-launch of trading operations on Pillar, which is an integrated trading technology platform designed to use a single specification for connecting to the equities and options markets operated by the Exchange and its affiliates, NYSE Arca, Inc. (''NYSE Arca''), NYSE American LLC (''NYSE American''), and New York Stock Exchange LLC (''NYSE'').[6]

As described in the Re-Launch Filing, with Pillar, the Exchange will re-launch trading in all Tape A, Tape B, and Tape C securities on an unlisted trading privileges (''UTP'') basis on a fully automated price-time priority allocation model.[7] The Exchange's Pillar trading platform is based on the rules and trading model of the cash equities platforms of NYSE Arca, which operates as a fully automated price-time priority allocation exchange. However, unlike its affiliated exchanges, the Exchange is not a listing venue and therefore will not have any ''lead'' or ''designated'' market makers for listed securities and would not operate any auctions. In addition, the Exchange will not operate a retail liquidity program.

In connection with its re-launch of operations, the Exchange proposes to amend its Schedule of Fees and Rebates to adopt a new pricing model for trading on the Pillar platform.

The proposed changes would apply to transactions executed in all trading sessions in securities priced at or above and below $1.00.

The Exchange proposes to implement these changes effective June 6, 2018.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The Exchange originally filed to amend the Fee Schedule on May 18, 2018 (SR–NYSENAT–2018–08) and withdrew such filing on May 25, 2018. The Exchange re-filed to amend the Fee Schedule on May 25, 2018 (SR–NYSENAT–2018–10) and withdrew such filing on June 6, 2018. This filing replaces SR–NYSENAT–2018–10 in its entirety.

[5] *See* Securities Exchange Act Release No. 80018 (February 10, 2017), 82 FR 10947 (February 16, 2017) (SR–NSX–2017–04) (''Termination Filing''). On January 31, 2017, Intercontinental Exchange, Inc. (''ICE''), through its wholly-owned subsidiary NYSE Group, acquired all of the outstanding capital stock of the Exchange (the ''Acquisition''). *See* Securities Exchange Act Release No. 79902 (January 30, 2017), 82 FR 9258 (February 3, 2017) (SR–NSX–2016–16). Prior to the Acquisition, the Exchange was named ''National Stock Exchange, Inc.''

[6] *See* Securities Exchange Act Release No. 83289 (May 17, 2018) (SR–NYSENat–2018–02) (Approval Order) (''Re-Launch Filing''); *see generally www.nyse.com/pillar.*

[7] *See generally* Re-Launch Filing.

Proposed Rule Change

The Exchange proposes the following transaction fees for the re-launch of trading on its Pillar trading platform.

General Information Applicable to the Fee Schedule

The Exchange proposes to summarize general information applicable to the Fee Schedule in two bullets under the first heading in the Fee Schedule titled ''Fees and Credits Applicable to Market Participants.''

The first bullet would provide that rebates are indicated by parentheses.

The second bullet would provide that, for purposes of determining transaction fees and credits based on requirements based on quoting levels, average daily volume (''ADV''), and consolidated ADV (''CADV''), the Exchange may exclude shares traded any day that (1) the Exchange is not open for the entire trading day and/or (2) a disruption affects an Exchange system that lasts for more than 60 minutes during regular trading hours. The second proposed bullet would reproduce the language that appears in both the NYSE American Equities and NYSE Arca Equities price lists.[8]

Transaction Fees

The Exchange proposes the following fees and credits for all transactions under new heading I titled ''Transaction Fees'':

Liquidity Adding Fees [9]

For securities priced at or above $1.00, the Exchange proposes the following charges for executions on the Exchange of displayed orders that add liquidity to the Exchange:

- The Exchange proposes to charge $0.0023 per share for executions on the Exchange of displayed orders that add liquidity to the Exchange.
- The Exchange proposes to charge $0.0021 per share for executions on the Exchange of orders that set a new BBO [10] and that add liquidity to the Exchange.
- The Exchange proposes to charge $0.0025 per share for executions on the Exchange of non-displayed orders that add liquidity to the Exchange.
- Finally, the Exchange proposes to charge $0.0010 per share for executions on the Exchange of Mid-Point Liquidity (''MPL'') orders that add liquidity to the Exchange.

For securities priced below $1.00, the Exchange does not propose to charge a fee for executions on the Exchange of displayed orders and non-displayed orders that add liquidity to the Exchange.

Liquidity Removing Fees

The Exchange does not propose to charge a fee for executions on the Exchange of orders that remove liquidity from the Exchange. The proposal would apply to securities priced at or above $1.00.

The Exchange also does not propose to charge a fee for executions on the Exchange of MPL orders that remove liquidity from the Exchange. The proposal would apply to securities priced at or above $1.00.

For securities priced below $1.00, the Exchange does not propose to charge a fee for orders that remove liquidity from the Exchange.

Adding and Remove Tiers for Securities at or Above $1.00

The Exchange proposes tiered adding requirements for displayed and non-displayed orders in securities priced at or above $1.00, as follows.

Under the proposed Adding Tier, the Exchange would offer the following fees for transactions in stocks with a per share price of $1.00 or more when adding liquidity to the Exchange if the ETP Holder has at least 0.015% of Adding ADV as a percent of US CADV:

- $0.0020 per share for displayed orders;
- $0.0022 per share for non-displayed orders;
- $0.0018 per share for orders that set a new Exchange BBO; and
- $0.0005 per share for MPL orders.

Under the proposed Taking Tier, the Exchange would offer the following credits for transactions in stocks with a per share price of $1.00 or more when removing liquidity from the Exchange if the ETP Holder has at least 50,000 shares of Adding ADV:

- ($0.0020) per share for orders;
- ($0.0002) per share for MPL orders.

The Exchange also proposes to waive the Adding Tier and Taking Tier volume requirements until June 1, 2018, which would be reflected in footnote *.

Routing Fees

Under a new heading II titled ''Routing Fees,'' the Exchange proposes the following fees for routing, which would be applicable to all orders by ETP Holders that are routed.

For all executions in securities with a price at or above $1.00 that route to and execute in an away market,[11] the Exchange proposes to charge a fee of $0.0030 per share for executions.

For securities priced below $1.00 that route to and execute in an away market, the Exchange proposes to charge a fee of 0.30% of the total dollar value of the transaction.

Port Fees

Under proposed new heading III titled ''Port Fees,'' the Exchange proposes fees for the use of ports that:

(1) Provide connectivity to the Exchange's trading systems (*i.e.,* ports for entry of orders and/or quotes (''order/quote entry ports'')), and

(2) allow for the receipt of ''drop copies'' of order or transaction information (''drop copy ports'' and, together with order/quote entry ports, ''ports'').[12]

For order/quote entry ports, the Exchange proposes to charge $250 per port per month. The fee would apply to all market participants.

The Exchange proposes not to charge for order/quote entry ports until June 1, 2018. Thereafter, the Exchange proposes to implement the $250 per port per month fee.

Similarly, the Exchange proposes to charge $250 per drop copy port per month. The fee would apply to all market participants. Additionally, the Exchange proposes to specify that only one fee per drop copy port would apply, even if the port receives drop copies from multiple order/quote entry ports.

The Exchange proposes not to charge for drop copy ports until June 1, 2018. Thereafter, the Exchange proposes to implement the $250 per port per month fee.

[8] *See* NYSE American Equities Price List, available at *https://www.nyse.com/publicdocs/nyse/markets/nyse-american/NYSE_America_Equities_Price_List.pdf;* NYSE Arca Equities Price List, available at *https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Marketplace_Fees.pdf.*

[9] Currently, there are two other exchanges (Cboe BYX and Nasdaq BX) that have adopted a fee model that offers rebates to liquidity takers and charges fees to liquidity providers. *See* Cboe BYX U.S. Equities Exchange Fee Schedule, available at *https://markets.cboe.com/us/equities/membership/fee_schedule/byx/,* and Nasdaq BX Fee Schedule, available at *https://www.nasdaqtrader.com/Trader.aspx?id=bx_pricing.*

[10] The term ''BBO'' is defined in Rule 1.1 to mean the best bid or offer that is a Protected Quotation on the Exchange. The term ''BB'' means the best bid that is a Protected Quotation on the Exchange and the term ''BO'' means the best offer that is a Protected Quotation on the Exchange.

[11] The term ''Away Market'' is defined in Rule 1.1 to mean any exchange, alternative trading system (''ATS'') or other broker-dealer (1) with which the Exchange maintains an electronic linkage and (2) that provides instantaneous responses to orders routed from the Exchange.

[12] Firms receive confirmations of their orders and receive execution reports via the order/quote entry port that is used to enter the order or quote. A ''drop copy'' contains redundant information that a firm chooses to have ''dropped'' to another destination (*e.g.,* to allow the firm's back office and/or compliance department, or another firm—typically the firm's clearing broker—to have immediate access to the information). Drop copies can only be sent via a drop copy port. Drop copy ports cannot be used to enter orders and/or quotes.

Equity Trading Permit (''ETP'') Fee

The Exchange proposes a new heading IV titled ''ETP Fee.'' The Exchange does not propose to charge a fee to obtain an ETP.[13]

The proposed changes are not otherwise intended to address any other issues, and the Exchange is not aware of any problems that ETP Holders would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[14] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[15] 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.

Liquidity Removing Fees

The Exchange believes that not charging a fee for removing liquidity in securities priced at or above $1.00 and securities priced below $1.00 is reasonable, equitable and not unfairly discriminatory because it would provide a financial incentive to bring additional removing flow to a public market.

Liquidity Adding Fees

The Exchange believes that charging a fee of $0.0023 per share for liquidity adding displayed orders in securities priced at or above $1.00 is reasonable, equitable and not unfairly discriminatory because the Exchange must balance the cost of credits for orders that remove liquidity and the fees to provide displayed liquidity. The Exchange believes that the proposed change is both equitable and not unfairly discriminatory because the fee would apply uniformly to all similarly-situated market participants.

The Exchange believes that charging a fee of $0.0021 per share for liquidity adding orders that set a new Exchange BBO in securities priced at or above $1.00 is reasonable, equitable and not unfairly discriminatory because the lower fee, compared with the fee of $0.0023 per share for liquidity adding displayed orders that do not set a new Exchange BBO, will provide an incentive for ETP Holders to improve displayed quotes on the Exchange, which would benefit all market participants.

The Exchange believes that charging a fee of $0.0025 per share for liquidity adding non-displayed orders in securities priced at or above $1.00 is reasonable and not unfairly discriminatory because the proposed rate would be lower than the fee charged by other exchanges.[16] The Exchange further believes that the proposed fee is equitable and not unfairly discriminatory because it would apply to all non-displayed orders that add liquidity to the Exchange.

The Exchange believes that charging a lower fee of $0.0010 per share for liquidity adding MPL orders in securities priced at or above $1.00 is reasonable, equitable and not unfairly discriminatory because the lower fee would provide an incentive for participation and provide price improvement, which would benefit all market participants.

The Exchange believes that not charging a fee for orders that remove liquidity in securities priced below $1.00 is reasonable, equitable and not unfairly discriminatory. The Exchange believes that not charging a fee for orders that remove liquidity would encourage price discovery and enhance market quality by encouraging more competitive quoting of displayed orders that add liquidity. The Exchange further believes that not charging a fee for orders that remove liquidity is equitable and not unfairly discriminatory because it is designed to facilitate execution of, and enhance trading opportunities for, displayed orders that add liquidity and that would execute against those orders that remove liquidity, thereby further incentivizing entry of displayed adding orders on the Exchange. The Exchange believes that not charging a fee for orders that remove liquidity would also reduce costs for market participants and investors.

Adding and Remove Tiers for Securities at or Above $1.00

The Exchange believes that the proposed tiered adding requirements for displayed and non-displayed orders in securities priced at or above $1.00 are reasonable, equitable and not unfairly discriminatory, as follows.

The proposed Adding Tier fees for adding liquidity ($0.0020 per share for displayed orders, $0.0022 per share for non-displayed orders, $0.0018 per share for orders that set a new Exchange BBO, and $0.0005 per share for MPL orders) for ETP Holders with at least 0.015% of Adding CADV in securities with a per share price of $1.00 or more when adding liquidity are reasonable because it would further contribute to incent ETP Holders to provide increased liquidity on the Exchange, benefiting all ETP Holders. In addition, the Exchange believes that the proposed Adding Tier credits are equitable and not unfairly discriminatory as all similarly situated market participants will be subject to the same credits on an equal and non-discriminatory basis.

Similarly, the proposed Taking Tier credits (($0.0020) per share for orders that remove liquidity and ($0.0002) per share for MPL orders) that remove liquidity for ETP Holders with an Adding ADV of at least 50,000 shares in securities with a per share price of $1.00 or more when removing liquidity from the Exchange is reasonable, equitable and not unfairly discriminatory because the proposed fees are in line with the fees for removing liquidity on other exchanges.[17]

Finally, the Exchange believes it is reasonable to waive the Adding Tier and Taking Tier volume requirements until June 1, 2018, because the waiver for a limited period of time will enable the Exchange to improve its overall competitiveness and strengthen its market quality for all market participants. The proposed waiver is not unfairly discriminatory because it will apply equally to all similarly situated ETP Holders.

Routing Fees

The Exchange believes that its proposed routing fees are reasonable and not an unfairly discriminatory allocation of fees because the fee would be applicable to all ETP Holders in an equivalent manner. Moreover, the proposed fees for routing shares are also reasonable and not unfairly discriminatory because they are consistent with fees charged on other exchanges. In particular, the Exchange's proposal to charge a fee of $0.0030 per share for all executions that route to and execute on away markets in securities priced at or above $1.00 is reasonable and not unfairly discriminatory because it is consistent with fees charged on other exchanges.[18]

[13] ETP refers to an Equity Trading Permit issued by the Exchange for effecting approved securities transactions on the Exchange. *See* Rule 1.1 (definition of ETP).

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(4) & (5).

[16] Nasdaq BX, for instance, charges a fee of $0.0030 per share for providing non-displayed liquidity for securities priced at or above $1.00 for all other firms. *See* Nasdaq BX Exchange Fee Schedule 2018, available at *https://www.nasdaqtrader.com/Trader.aspx?id=bx_pricing.*

[17] *See* CBOE BYX Exchange Fee Schedule at *https://markets.cboe.com/us/equities/membership/fee_schedule/byx/.*

[18] *See* Nasdaq Exchange Fee Schedule at *http://nasdaqtrader.com/Trader.aspx?id=PriceList Trading2.*

Finally, the proposal to charge a fee for all executions of 0.30% of total dollar value for transactions in securities with a price under $1.00 that route to and execute on away markets is reasonable and not unfairly discriminatory because it is consistent with fees charged on other exchanges.[19]

Port Fees

The Exchange believes that the proposed rates for order/quote entry ports and drop copy ports are reasonable because the fees charged for both types of ports are expected to permit the Exchange to offset, in part, its connectivity costs associated with making such ports available, including costs based on software and hardware enhancements and resources dedicated to gateway development, quality assurance, and support. The proposed port fees are also reasonable because the proposed fees are comparable to the rates charged by other venues, and in some cases are less expensive than many of the Exchange's competitors.[20]

The Exchange believes that the proposed fee for order/quote entry ports is equitable and not unfairly discriminatory because charges for order/entry ports will be based on the number of ports utilized. This aspect of the proposed rule change is also equitable and not unfairly discriminatory because it will apply on an equal basis for all ports on the Exchange. The Exchange also believes that these fees are equitable and not unfairly discriminatory because they would apply to all users of order/quote entry ports on the Exchange.

The Exchange believes that the proposed fee for drop copy ports is reasonable because it will result in a fee being charged for the use of technology and infrastructure provided by the Exchange. In this regard, the Exchange believes that the rate is reasonable because it is comparable to the rate charged by other exchanges for drop copy ports.[21]

The Exchange also believes that it is reasonable that only one fee per drop copy port would apply, even if the port receives drop copies from multiple order/quote entry ports, because the purpose of drop copies is such that a trading unit's or a firm's entire order and execution activity is captured. The Exchange believes that the proposed new fee for drop copy ports is equitable and not unfairly discriminatory because it will apply on an equal basis to all users of drop copy ports and to all drop copy ports on the Exchange. In this regard, all firms will be able to request drop copy ports, as would be the case with order/quote entry ports.

ETP Fee

The Exchange believes that not charging a fee to obtain an ETP on the Exchange is reasonable because it may incentivize broker-dealers to become Exchange permit holders and to direct order flow to the Exchange, which benefits all market participants through increased liquidity and enhanced price discovery.

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,[22] 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 proposed changes 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. 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 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)[23] of the Act and subparagraph (f)(2) of Rule 19b–4[24] 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)[25] 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

[19] NASDAQ, for example, charges a fee of 0.30% (*i.e.,* 30 basis points) of total dollar volume to remove liquidity for shares executed below $1.00. *See* NASDAQ Fee Schedule at *http://www.nasdaqtrader.com/Trader.aspx?id=PriceListTrading2.*

[20] For example, NASDAQ charges $575 for order entry ports and $550 for DROP ports. *See* NASDAQ Fee Schedule at *http://www.nasdaqtrader.com/Trader.aspx?id=PriceListTrading2#connectivity.* Also, Cboe BZX charges $550 per month per pair for logical ports. *See* Cboe BZX U.S. Equities Exchange Fee Schedule at *https://markets.cboe.com/us/equities/membership/fee_schedule/bzx/.* Additionally, Cboe EDGA and Cboe EDGX each charge $550 per port per month. *See* Cboe EDGA U.S. Equities Exchange Fee Schedule at *https://markets.cboe.com/us/equities/membership/fee_schedule/edga/* and Cboe EDGX U.S. Equities Exchange Fee Schedule at *https://markets.cboe.com/us/equities/membership/fee_schedule/edgx/.*

[21] *See* note 20, *supra.*

[22] 15 U.S.C. 78f(b)(8).

[23] 15 U.S.C. 78s(b)(3)(A).

[24] 17 CFR 240.19b–4(f)(2).

[25] 15 U.S.C. 78s(b)(2)(B).

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–NYSENAT–2018–12 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–NYSENAT–2018–12. 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; the Commission does not edit personal identifying information from submissions. 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–NYSENAT–2018–12 and should be submitted on or before July 11, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–13165 Filed 6–19–18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83442; File No. SR–CboeBZX–2018–037]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Physical Port Fees for BZX

June 14, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 1, 2018, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') 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 Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change 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 filed a proposal to amend its fees and rebates applicable to Members[5] and non-Members of the Exchange pursuant to BZX Rule 15.1(a) and (c) to modify its fees for physical ports.

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 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to implement proposed changes to its fee schedule relating to physical connectivity fees, effective June 1, 2018. By way of background, a physical port is utilized by a Member or non-Member to connect to the Exchange at the data centers where the Exchange's servers are located. The Exchange currently maintains a presence in two third-party data centers: (i) The primary data center where the Exchange's business is primarily conducted on a daily basis, and (ii) a secondary data center, which is predominantly maintained for business continuity purposes. The Exchange currently assesses the following physical connectivity fees for Members and non-Members on a monthly basis: $2,000 per physical port for a 1 gigabyte circuit and $7,000 per physical port for a 10 gigabyte circuit. The Exchange proposes to increase the fees per physical ports from (i) $2,000 to $2,500 per month, per port for a 1 gigabyte circuit and (ii) $7,000 to $7,500 per month, per port for a 10 gigabyte circuit. The Exchange notes the proposed fees enable it to continue to maintain and improve its market technology and services and also notes that the proposed fee changes are in line with the amounts assessed by other exchanges for similar connections.[6]

The Exchange also proposes to adopt separate physical port fees for connection to its secondary data center, which is predominantly maintained for business continuity purposes (''Disaster Recovery Systems''). Particularly, the Disaster Recovery Systems can be

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[26] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The term ''Member'' is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

[6] *See e.g.,* NYSE Arca Equities Fees and Charges, NYSE Arca Marketplace: Other Fees and Charges, Connectivity Fees. *See also,* Nasdaq Phlx LLC Pricing Schedule, Section XI, Direct Connectivity to Phlx.

accessed via physical ports in Chicago. Members and Non-Members may maintain physical ports in order to be able to connect to the Disaster Recovery Systems in case of a disaster. Currently, physical ports that are used to connect to the Disaster Recovery Systems are assessed the same fees as physical ports used to connect to the Exchange's trading system. The Exchange proposes to establish separate pricing for physical ports that are used to connect to the Disaster Recovery Systems (''Disaster Recovery Physical Ports''). Specifically, the Exchange proposes to assess a monthly fee of $2,000 per 1 gigabyte Disaster Recovery Physical Port and a monthly fee of $6,000 per 10 gigabyte Disaster Recovery Physical Port. This amount will continue to enable the Exchange to maintain the Disaster Recovery Physical Ports in case they become necessary. The Exchange notes that the Disaster Recovery Physical Ports may also be used to access the Disaster Recovery Systems for the following affiliate exchanges Cboe BZX Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe C2 Exchange, Inc., Cboe Exchange, Inc. and Cboe Futures Exchange, LLC as well. The Exchange proposes to provide that market participants will only be assessed a single fee for any Disaster Recovery Physical Port that also accesses the Disaster Recovery Systems for these exchanges.[7]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[8] in general, and furthers the objectives of Section 6(b)(4),[9] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange also notes that it operates in a highly-competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. The proposed rule change reflects a competitive pricing structure designed to incent market participants to direct their order flow to the Exchange.

The Exchange believes that the proposed changes are equitable and non-discriminatory in that it applies uniformly to all Members. Members and non-Members will continue to choose whether they want more than one physical port and/or Disaster Recovery Physical Port and choose the method of connectivity based on their specific needs. All Members that voluntarily select various service options will be charged the same amount for the same services.

The Exchange believes that the proposal represents an equitable allocation of reasonable dues, fees, and other charges as its fees for physical connectivity are reasonably constrained by competitive alternatives. If a particular exchange charges excessive fees for connectivity, affected Members and non-Members may opt to terminate their connectivity arrangements with that exchange, and adopt a possible range of alternative strategies, including routing to the applicable exchange through another participant or market center or taking that exchange's data indirectly. Accordingly, if the Exchange charges excessive fees, it would stand to lose not only connectivity revenues but also revenues associated with the execution of orders routed to it, and, to the extent applicable, market data revenues. The Exchange believes that this competitive dynamic imposes powerful restraints on the ability of any exchange to charge unreasonable fees for connectivity.

Furthermore, the proposed rule change is also an equitable allocation of reasonable dues, fees, and other charges as the Exchange believes that the proposed increased physical port fees will enable it to cover its infrastructure costs associated with establishing physical ports to connect to the Exchange's systems. The additional revenue from the increased fees will also enable the Exchange to continue to maintain and improve its market technology and services. Similarly, the Exchange believes the proposed fees for the Disaster Recovery Physical Ports will allow the Exchange to maintain the Disaster Recovery Physical Ports in case they become necessary.

Lastly, the Exchange believes the fees remain competitive with those charged by other venues and therefore continue to be reasonable and equitably allocated to Members.[10]

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. As discussed above, the Exchange believes that fees for connectivity are constrained by the robust competition for order flow among exchanges and non-exchange markets. The Exchange does not believe that the proposed changes represent a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. Additionally, Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Further, excessive fees for connectivity would serve to impair an exchange's ability to compete for order flow rather than burdening competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

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) of the Act[11] and paragraph (f) of Rule 19b–4 thereunder.[12] 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.

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–CboeBZX–2018–037 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange

[7] For example, if a market participant uses a 1 gigabyte Disaster Recovery Physical Port to connect to the Disaster Recovery Systems for both BZX and EDGX, the market participant would only be assessed one monthly fee of $2,000.

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(4).

[10] *See e.g.,* NYSE Arca Equities Fees and Charges, NYSE Arca Marketplace: Other Fees and Charges, Connectivity Fees. *See also,* Nasdaq Phlx LLC Pricing Schedule, Section XI, Direct Connectivity to Phlx.

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f).

Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBZX–2018–037. 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 this filing will also 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–CboeBZX–2018–037 and should be submitted on or before July 11, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–13168 Filed 6–19–18; 8:45 am]

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[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83444; File No. SR–MRX–2018–19]

Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Increase Certain Route-Out Fees Set Forth in Section II.A of the Schedule of Fees

June 14, 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 1, 2018, Nasdaq MRX, LLC (''MRX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to a proposal to increase certain route-out fees set forth in Section II.A of the Schedule of Fees.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqmrx.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 the proposed rule change is to increase certain route-out fees set forth in Section II.A of the Schedule of Fees. Today, the Exchange charges all market participants route-out fees of $0.96 per contract for orders in Non-Penny Symbols that are routed to away exchanges in connection with the Options Order Protection and Locked/Crossed Market Plan (the ''Plan''). The Exchange now proposes to increase this fee to $1.09 per contract for all market participant orders in Non-Penny Symbols that are routed to away exchanges in connection with the Plan. The Exchange believes that the proposed increase will help offset the costs associated with routing orders through the Plan, such as paying the transaction fees for such executions at other exchanges.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[3] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[4] 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 Exchange believes that proposed increase in the route-out fees from $0.96 to $1.09 per contract for all market participant orders in Non-Penny Symbols is reasonable because it is designed to help recoup costs associated with routing orders to away exchanges in connection with the Plan, such as paying the transaction fees for such executions at other exchanges. Furthermore, the Exchange notes that the proposed fees remain competitive with the fees of other options exchanges which, in addition to a fixed routing fee, assess the actual transaction fees.[5]

The Exchange believes that proposed increase in the route-out fees is equitable and not unfairly discriminatory because the Exchange will apply the same route-out fees to all similarly situated members.

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 particular,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(4) and (5).

[5] For example, CBOE C2 Exchange, Inc. (''C2'') charges $1.63 per routed contract for non-public customer, non-C2 market-maker orders in non-penny classes. *See* C2 Fees Schedule, Section 1.A (Transaction Fees) and Section 2 (Linkage Routing).

the proposed increase to the route-out fees will apply equally to all market participant orders that are routed to away exchanges in connection with the Plan, and will help offset costs associated with routing orders via the Plan. Furthermore as noted above, the Exchange believes that its proposed fees remain competitive with another options exchange.

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 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,[6] and Rule 19b–4(f)(2)[7] 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–MRX–2018–19 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–MRX–2018–19. 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–MRX–2018–19 and should be submitted on or before July 11, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Eduardo A. Aleman,

Assistant Secretary.

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[6] 15 U.S.C. 78s(b)(3)(A)(ii).

[7] 17 CFR 240.19b–4(f)(2).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83435; File No. SR–NASDAQ–2018–042]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Transaction Fees at Rule 7014(j) and Rule 7018(a)

June 14, 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, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's transaction fees at Rule 7014(j) and Rule 7018(a), as described below. While these amendments are effective upon filing, the Exchange has designated the proposed amendments to be operative on June 1, 2018.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaq.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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 is proposing to: (i) Eliminate a credit that it provides to members for displayed liquidity under Rule 7018(a); and (ii) re-establish a tier in the Nasdaq Growth Program under Rule 7014(j).

First Change

Currently, the Exchange provides a credit of $ 0.00305 per share executed to a member for displayed quotes/orders (other than Supplemental Orders or Designated Retail Orders) that provide liquidity if the member has: (i) Shares of liquidity provided in all securities during the month representing at least 0.15% of Consolidated Volume [3] during the month, through one or more of its Nasdaq Market Center Market Participant Identifiers; and (ii) adds Nasdaq Options Market (''NOM'') Market Maker liquidity in Penny Pilot Options and/or Non- Penny Pilot Options of 0.90% or more of total industry average daily volume in the customer clearing range for Equity and Exchange Traded Fund option contracts per day in a month on NOM. The Exchange provides the credit with the same criteria to securities of all three Tapes [4] under Rule 7018(a)(1)–(3).

The Exchange offers these credits as a means of improving market quality by providing its members with an incentive to increase their provision of liquidity on both the Exchange and NOM. However, the Exchange has observed over time that these credits are not serving their intended purpose. Indeed, no members presently qualify for receipt of the credits. Accordingly, the Exchange proposes to eliminate them.

Second Change

The Exchange is proposing to revive, under Rule 7014(j), a portion of the Nasdaq Growth Program that it previously eliminated.

Nasdaq introduced the Growth Program in 2016.[5] The purpose of the Growth Program is to provide a credit per share executed for members that meet certain growth criteria. The credit is designed to provide an incentive to members that do not qualify for other credits under Rule 7018 in excess of the Growth Program credit to increase their participation on the Exchange.

Presently, the Growth Program provides a member with a $0.0027 per share executed credit in securities priced $1 or more per share. The credit is provided in lieu of other credits provided to the member for displayed quotes/orders (other than Supplemental Orders or Designated Retail Orders) that provide liquidity under Rule 7018, if the credit under the Growth Program is greater than the credit attained under Rule 7018.

Until late 2017, the Growth Program also included a second credit tier.[6] That is, it provided a member with either a $0.0027 per share executed credit in securities priced $1 or more per share, or a $0.0025 per share executed credit in securities priced at $1 or more, if the member met certain criteria. Again, these credit [sic] were provided in lieu of other credits provided to the member for displayed quotes/orders (other than Supplemental Orders or Designated Retail Orders) that provide liquidity under Rule 7018, if the credit under the Growth Program was greater than the credit attained under Rule 7018.

Rule 7014(j) provided three ways in which a member could qualify for the $0.0025 rebate in a given month. First, the member could qualify for this rebate by: (i) Adding greater than 750,000 shares a day on average during the month through one or more of its Nasdaq Market Center MPIDs; and (ii) increasing its shares of liquidity provided through one or more of its Nasdaq Market Center MPIDs as a percent of Consolidated Volume by 20% versus the member's Growth Baseline.[7] Second, the member could qualify for the $0.0025 rebate by: (i) Adding greater than 750,000 shares a day on average during the month through one or more of its Nasdaq Market Center MPIDs; (ii) increasing its shares of liquidity provided through one or more of its Nasdaq Market Center MPIDs as a percent of Consolidated Volume by 20% versus the member's Growth Baseline in the preceding month, and (iii) maintaining or increasing its shares of liquidity provided through one or more of its Nasdaq Market Center MPIDs as a percent of Consolidated Volume as compared to the preceding month. Third, a member could qualify for the Growth Program by: (i) Adding greater than 750,000 shares a day on average during the month through one or more of its Nasdaq Market Center MPIDs in three separate months; (ii) increasing its shares of liquidity provided through one or more of its Nasdaq Market Center MPIDs as a percent of Consolidated Volume by 20% versus the member's Growth Baseline in three separate months; and (iii) maintaining or increasing its shares of liquidity provided through one or more of its Nasdaq Market Center MPIDs as a percent of Consolidated Volume compared to the Growth Baseline established when the member met the criteria for the third month.

In 2017, the Exchange eliminated the $0.0025 rebate tier, stating that it wished to simplify the operation of the Growth Program.[8] However, the $0.0027 credit remains a part of the Growth Program, as set forth in Rule 7014(j).

Since it eliminated the $0.0025 rebate tier, the Exchange has received interest in reviving it, and it proposes to do so now. However, the Exchange proposes modifications to the $0.0025 rebate tier that will simplify and update it. In particular, the Exchange proposes to omit one of the three means that it previously provided to qualify for the $0.0025 rebate tier—namely, the provision that qualified a member that (i) adds greater than 750,000 shares a day on average during the month through one or more of its Nasdaq Market Center MPIDs; (ii) increases its shares of liquidity provided through one or more of its Nasdaq Market Center MPIDs as a percent of Consolidated Volume by 20% versus the member's Growth Baseline in the preceding month, and (iii) maintains or increases its shares of liquidity provided through

[3] As used in Rule 7018(a), the term ''Consolidated Volume'' means the total consolidated volume reported to all consolidated transaction reporting plans by all exchanges and trade reporting facilities during a month in equity securities, excluding executed orders with a size of less than one round lot.

[4] There are three Tapes, which are based on the listing venue of the security: Tape C securities are Nasdaq-listed; Tape A securities are New York Stock Exchange-listed; and Tape B securities are listed on exchanges other than Nasdaq and NYSE.

[5] *See* Securities Exchange Act Release No. 78977 (September 29, 2016), 81 FR 69140 (October 5, 2016) (SR–NASDAQ–2016–132).

[6] The Growth Program originally included only the $0.0025 credit. *See id.* It added the $0.0027 credit in June 2017. *See* Securities Exchange Act Release No. 34–80997 (June 28, 2017), 82 FR 29348 (June 22, 2017) (SR–NASDAQ–2017–060).

[7] The Growth Baseline was defined as the member's shares of liquidity provided in all securities through one or more of its Nasdaq Market Center MPIDs as a percent of Consolidated Volume during the last month a member qualified for the Nasdaq Growth Program under Rule 7014(j)(1)(B)(i) (increasing its Consolidated Volume by 20% versus its Growth Baseline). If a member had not yet qualified for a credit under this program, its August 2016 share of liquidity provided in all securities through one or more of its Nasdaq Market Center MPIDs as a percent of Consolidated Volume was used to establish a baseline.

[8] *See* Securities Exchange Act Release No. 34–82062 (Nov. 13, 2017), 82 FR 54457 (Nov. 17, 2017) (SR–NASDAQ–2017–119).

one or more of its Nasdaq Market Center MPIDs as a percent of Consolidated Volume as compared to the preceding month. The Exchange also proposes to reset the Growth Baseline as a member's May 2018 share of liquidity provided in all securities through one or more of its Nasdaq Market Center MPIDs as a percent of Consolidated Volume.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[10] 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.''[11]

Likewise, in *NetCoalition* v. *Securities and Exchange Commission* [12] (''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.[13] 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.''[14]

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'. . . .'' [15] 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.

First Change

The proposal to eliminate the $0.00305 per share executed credits for all three Tapes is reasonable because these credits have not been effective in achieving their intended objective of incentivizing members to provide liquidity to the Exchange and to NOM. The Exchange has limited resources available to it to devote to the operation of special pricing programs and as such, it is reasonable and equitable for the Exchange to allocate those resources to those programs that are effective and away from those programs that are ineffective. The proposals are also equitable and not unfairly discriminatory because the proposed changes to the credits will apply uniformly to all similarly situated members.

Second Change

The Exchange believes that re-establishing a $0.0025 per share executed credit as part of the Nasdaq Growth Program is reasonable for the reasons that the Exchange set forth in its original proposal to establish that credit.[16] In addition, the Exchange believes that it is reasonable to re-establish the credit tier notwithstanding the fact that it previously eliminated the tier, because the Exchange believes that the program is more likely to be successful now than it was previously in achieving its objective of increasing participation on the Exchange. In particular, the Exchange notes that it has recently received member interest in re-establishing the tier and has determined that it is worthwhile to respond to such interest if doing so will promote increased Exchange participation. The Exchange notes that it intends to monitor the Growth Program closely to determine whether it does, in fact, attract qualifying interest and incentivize greater participation. If it does not do so, the Exchange will either further modify or once again move to eliminate the $0.0025 rebate tier.

The Exchange also believes that it is reasonable to modify the rebate tier from its prior formulation as a means of streamlining the qualifications for the tier and rendering it easier for the Exchange to administer and members to understand. The Exchange furthermore believes that it is reasonable to reset the Growth Baseline to May 2018 as that is the last month of activity prior to the restart of the program.

Again, the Exchange believes that the proposal to re-establish the $0.0025 rebate tier is an equitable allocation and is not unfairly discriminatory for the reasons that the Exchange set forth in its original proposal to establish that credit.[17] The Exchange also believes that its proposed changes to the prior iteration of the rebate tier are equitable and non-discriminatory because they will apply uniformly to members and will simplify the Growth Program. The Exchange further notes that reviving this tier will benefit members and the markets by providing additional means by which members may obtain credits in exchange for increasing their participation in the markets.

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 proposed elimination of the $0.00305 per share executed credit and the revival of the $0.0025 credit will not impose a burden on competition because the Exchange's

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4) and (5).

[11] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[12] *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010).

[13] *See NetCoalition,* at 534–535.

[14] *Id.* at 537.

[15] *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)).

[16] *See* Securities Exchange Act Release No. 78977 (September 29, 2016), 81 FR 69140 (October 5, 2016) (SR–NASDAQ–2016–132).

[17] *See id.*

execution services are completely voluntary and subject to extensive competition both from other exchanges and from off-exchange venues.

The proposed changes to the credits are reflective of a robust and competitive securities market, where trading venues must provide incentives to participants in the form of credits to attract order flow and adjust those incentives to make them more competitive or to allow the Exchange to provide other market-improving incentives elsewhere.

Moreover, trading venues are free to adjust their fees and credits in response to any changes that the Exchange makes to its fees and credits. If any of 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.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change 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–NASDAQ–2018–042 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–NASDAQ–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 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–NASDAQ–2018–042, and should be submitted on or before July 11, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Eduardo A. Aleman,

Assistant Secretary.

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[18] 15 U.S.C. 78s(b)(3)(A)(ii).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83431; File No. SR–ISE–2018–51]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Schedule of Fees Related to Complex Orders

June 14, 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 1, 2018, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Schedule of Fees related to Complex Orders traded on the Exchange.

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 the proposed rule change is to amend the Schedule of Fees related to Complex Orders traded on the Exchange. Specifically, the Exchange

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

proposes to: (1) Reduce the volume requirements for Priority Customer [3] Complex Tier 9, and (2) eliminate the discount for Market Maker [4] Complex Orders that trade against Priority Customer Complex Orders preferenced to them in the complex order book.

I. Priority Customer Complex Order Rebates

Currently, the Exchange has a fee structure in place for Complex Orders that provides rebates to Priority Customer Complex Orders in order to encourage Members to bring that order flow to the Exchange. Specifically, Priority Customer Complex Orders that trade with non-Priority Customer orders in the complex order book or trade with quotes and orders on the regular order book are provided rebates in Select Symbols [5] and Non-Select Symbols [6] (other than NDX and MNX) based on nine volume tiers, as shown in the table below. The Priority Customer Complex Tiers are based on Total Affiliated Member [7] Complex Order Volume (Excluding Crossing Orders [8] and Responses to Crossing Orders [9]) Calculated as a Percentage of Customer Total Consolidated Volume [10] (hereinafter, ''Complex Order Volume Percentage''). All Complex Order volume executed on the Exchange, including volume executed by Affiliated Members, is included in the volume calculation, except for volume executed as Crossing Orders and Responses to Crossing Orders. Rebates are provided per contract per leg, and once the threshold has been reached the rebate for the highest tier is applied retroactively to all eligible Priority Customer Complex volume.[11]

Priority customer complex tier	Complex order volume percentage	Rebate for select symbols	Rebate for non-select symbols
Tier 1	0.000–0.200	($0.25)	($0.40)
Tier 2	Above 0.200–0.400	(0.30)	(0.55)
Tier 3	Above 0.400–0.600	(0.35)	(0.70)
Tier 4	Above 0.600–0.800	(0.40)	(0.75)
Tier 5	Above 0.800–1.000	(0.45)	(0.80)
Tier 6	Above 1.000–1.600	(0.46)	(0.80)
Tier 7	Above 1.600–2.000	(0.48)	(0.80)
Tier 8	Above 2.000–3.500	(0.50)	(0.85)
Tier 9	Above 3.500	(0.50)	(0.85)

Currently, a Member must execute a Complex Order Volume Percentage of above 3.5% to qualify for Priority Customer Complex Tier 9. The Exchange now proposes to reduce the Complex Order Volume Percentage requirement to above 3.25%, thereby making Priority Customer Complex Order Tier 9 easier for Members to achieve. As proposed, Members with a Complex Order Volume Percentage above 2% and up to 3.25% will qualify for Priority Customer Complex Tier 8, while Members with a Complex Order Volume Percentage above 3.25% will qualify for Priority Customer Complex Tier 9. Although Priority Customer Complex Order Tier 8 and 9 are currently eligible for the same $0.50 per contract rebate in Select Symbols and $0.85 per contract rebate in Non-Select Symbols, the lower proposed volume requirements for Priority Customer Complex Tier 9 will benefit Market Makers that currently receive discounted Complex Order fees in Select Symbols if they achieve this Priority Customer Complex Tier. Specifically, Market Maker Complex Orders in Select Symbols are charged a fee of $0.44 per contract for either taking liquidity, or providing liquidity to a Priority Customer Complex Order, provided that the firm achieves Priority Customer Complex Tier 9. This fee is discounted from the regular taker fee of $0.50 per contract (reduced to $0.47 per contract for Priority Customer Complex Tier 8) and the maker fee of $0.47 per contract for trading against a Priority Customer. Thus, reducing the volume requirements for achieving Priority Customer Complex Tier 9 will make it easier for Market Makers to achieve the discounted $0.44 per contract rate.

II. Preferenced Market Maker Complex Order Discount

Currently, Market Makers making or taking liquidity in Select Symbols or Non-Select Symbols receive a discount of $0.02 when trading against Priority Customer orders preferenced to them in the complex order book in equity options that are able to be listed and traded on more than one options exchange. This discount does not apply to FX Options Symbols or to option classes designated by the Exchange to receive a guaranteed allocation pursuant to Nasdaq ISE Rule 722(b)(3)(i)(B). The Exchange now proposes to eliminate this discount. With the recent introduction of new pricing incentives for Complex Orders, which include the discounted Market Maker fees described in the section above, the Exchange does not believe that an additional incentive for preferenced orders is necessary to attract Complex Order flow.

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 Sections 6(b)(4) and 6(b)(5)

[3] A ''Priority Customer'' is a person or entity that is not a broker/dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s), as defined in Nasdaq ISE Rule 100(a)(37A).

[4] ''Market Maker'' refers to ''Competitive Market Makers'' and ''Primary Market Makers'' collectively. *See* ISE Rule 100(a)(28).

[5] ''Select Symbols'' are options overlying all symbols listed on the Nasdaq ISE that are in the Penny Pilot Program.

[6] ''Non-Select Symbols'' are options overlying all symbols excluding Select Symbols.

[7] An ''Affiliated Member'' is a Member that shares at least 75% common ownership with a particular Member as reflected on the Member's Form BD, Schedule A.

[8] A ''Crossing Order'' is an order executed in the Exchange's Facilitation Mechanism, Solicited Order Mechanism, Price Improvement Mechanism (PIM) or submitted as a Qualified Contingent Cross order. For purposes of the Fee Schedule, orders executed in the Block Order Mechanism are also considered Crossing Orders.

[9] A ''Response to a Crossing Order'' is any contra-side interest submitted after the commencement of an auction in the Exchange's Facilitation Mechanism, Solicited Order Mechanism, Block Order Mechanism or PIM.

[10] ''Customer Total Consolidated Volume'' means the total national volume cleared at The Options Clearing Corporation in the Customer range in equity and ETF options in that month.

[11] Members will not receive rebates for net zero complex orders. For purposes of determining which complex orders qualify as ''net zero'' the Exchange will count all complex orders that leg in to the regular order book and are executed at a net price per contract that is within a range of $0.01 credit and $0.01 debit.

[12] 15 U.S.C. 78f(b).

of the Act,[13] 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.

I. Priority Customer Complex Order Rebates

The Exchange believes it is reasonable and equitable to reduce the volume requirements for Priority Customer Complex Order Tier 9 as this change will make it easier for Members to achieve this tier. The proposed change is designed to incentivize Members to trade Complex Orders on the Exchange. While the proposed change will not have any impact on Priority Customer Complex Order rebates since the rebates are currently the same for Priority Customer Complex Tier 8 and 9, the Exchange also offers discounted Complex Order fees in Select Symbols for Market Makers that achieve higher Priority Customer Complex Tiers. With the proposed change, Market Makers may find it easier to achieve the higher tier of discounted fee, and thereby lower their execution costs when trading on the Exchange. Furthermore, the Exchange believes that the proposed change to the Priority Customer Complex Order Tiers is equitable and not unfairly discriminatory as this change is designed to increase trading by Market Makers, which may benefit other market participants that will have an increased opportunity to trade in Complex Orders. Market Makers are subject to additional requirements and obligations (such as quoting requirements) that other market participants are not. The Exchange believes that the mix of incentives that it provides will encourage an active market in Complex Orders from Market Makers and other market participants.

II. Preferenced Market Maker Complex Order Discount

The Exchange believes that it is reasonable and equitable to eliminate the preferenced Market Maker Complex Order discount as the Exchange has recently introduced new incentives for Market Makers that trade Complex Orders. Specifically, Market Makers are now eligible for tiered Complex Order taker fees based on achieving Priority Customer Complex Tier 8 or 9. With the changes to the Priority Customer Complex Tier 9 volume requirements discussed above, the highest tier of discount will be even easier for Market Makers to achieve. The Exchange therefore believes that an additional discount based on receiving preferenced Priority Customer Complex Orders is no longer necessary. Furthermore, the Exchange believes that eliminating this fee discount is equitable and not unfairly discriminatory as this discount will no longer be available for any Market Makers. Market Makers may instead qualify for the other Complex Order discounts based on meeting the applicable volume requirements.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that its Complex Order fees and rebates remain competitive with those on other options markets, and will continue to attract order flow to the Exchange, thereby encouraging additional volume and liquidity to the benefit of all market participants. The Exchange operates in a highly competitive market in which market participants can readily direct their order flow to competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and rebates to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed fee changes reflect this competitive environment.

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,[14] and Rule 19b–4(f)(2) [15] 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–2018–51 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–2018–51. 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–2018–51 and should be submitted on or before July 11, 2018.

[13] 15 U.S.C. 78f(b)(4) and (5).

[14] 15 U.S.C. 78s(b)(3)(A)(ii).

[15] 17 CFR 240.19b–4(f)(2).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–13161 Filed 6–19–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83441; File No. SR–CboeBYX–2018–006]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Physical Port Fees for BYX

June 14, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 1, 2018, Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') 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 Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change 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 filed a proposal to amend its fees and rebates applicable to Members[5] and non-Members of the Exchange pursuant to BYX Rule 15.1(a) and (c) to modify its fees for physical ports.

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 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to implement proposed changes to its fee schedule relating to physical connectivity fees, effective June 1, 2018. By way of background, a physical port is utilized by a Member or non-Member to connect to the Exchange at the data centers where the Exchange's servers are located. The Exchange currently maintains a presence in two third-party data centers: (i) The primary data center where the Exchange's business is primarily conducted on a daily basis, and (ii) a secondary data center, which is predominantly maintained for business continuity purposes. The Exchange currently assesses the following physical connectivity fees for Members and non-Members on a monthly basis: $2,000 per physical port for a 1 gigabyte circuit and $7,000 per physical port for a 10 gigabyte circuit. The Exchange proposes to increase the fees per physical ports from (i) $2,000 to $2,500 per month, per port for a 1 gigabyte circuit and (ii) $7,000 to $7,500 per month, per port for a 10 gigabyte circuit. The Exchange notes the proposed fees enable it to continue to maintain and improve its market technology and services and also notes that the proposed fee changes are in line with the amounts assessed by other exchanges for similar connections.[6]

The Exchange also proposes to adopt separate physical port fees for connection to its secondary data center, which is predominantly maintained for business continuity purposes (''Disaster Recovery Systems''). Particularly, the Disaster Recovery Systems can be accessed via physical ports in Chicago. Members and Non-Members may maintain physical ports in order to be able to connect to the Disaster Recovery Systems in case of a disaster. Currently, physical ports that are used to connect to the Disaster Recovery Systems are assessed the same fees as physical ports used to connect to the Exchange's trading system. The Exchange proposes to establish separate pricing for physical ports that are used to connect to the Disaster Recovery Systems (''Disaster Recovery Physical Ports''). Specifically, the Exchange proposes to assess a monthly fee of $2,000 per 1 gigabyte Disaster Recovery Physical Port and a monthly fee of $6,000 per 10 gigabyte Disaster Recovery Physical Port. This amount will continue to enable the Exchange to maintain the Disaster Recovery Physical Ports in case they become necessary. The Exchange notes that the Disaster Recovery Physical Ports may also be used to access the Disaster Recovery Systems for the following affiliate exchanges Cboe BZX Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe C2 Exchange, Inc., Cboe Exchange, Inc. and Cboe Futures Exchange, LLC as well. The Exchange proposes to provide that market participants will only be assessed a single fee for any Disaster Recovery Physical Port that also accesses the Disaster Recover Systems for these exchanges.[7]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[8] in general, and furthers the objectives of Section 6(b)(4),[9] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange also notes that it operates in a highly-competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. The proposed rule change reflects a competitive pricing structure designed to incent market participants to direct their order flow to the Exchange.

The Exchange believes that the proposed changes are equitable and non-discriminatory in that it applies uniformly to all Members. Members and

[16] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The term ''Member'' is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

[6] *See e.g.,* NYSE Arca Equities Fees and Charges, NYSE Arca Marketplace: Other Fees and Charges, Connectivity Fees. *See also,* Nasdaq Phlx LLC Pricing Schedule, Section XI, Direct Connectivity to Phlx.

[7] For example, if a market participant uses a 1 gigabyte Disaster Recovery Physical Port to connect to the Disaster Recovery Systems for both BYX and EDGX, the market participant would only be assessed one monthly fee of $2,000.

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(4).

non-Members will continue to choose whether they want more than one physical port and/or Disaster Recovery Physical Port and choose the method of connectivity based on their specific needs. All Members that voluntarily select various service options will be charged the same amount for the same services.

The Exchange believes that the proposal represents an equitable allocation of reasonable dues, fees, and other charges as its fees for physical connectivity are reasonably constrained by competitive alternatives. If a particular exchange charges excessive fees for connectivity, affected Members and non-Members may opt to terminate their connectivity arrangements with that exchange, and adopt a possible range of alternative strategies, including routing to the applicable exchange through another participant or market center or taking that exchange's data indirectly. Accordingly, if the Exchange charges excessive fees, it would stand to lose not only connectivity revenues but also revenues associated with the execution of orders routed to it, and, to the extent applicable, market data revenues. The Exchange believes that this competitive dynamic imposes powerful restraints on the ability of any exchange to charge unreasonable fees for connectivity.

Furthermore, the proposed rule change is also an equitable allocation of reasonable dues, fees, and other charges as the Exchange believes that the proposed increased physical port fees will enable it to cover its infrastructure costs associated with establishing physical ports to connect to the Exchange's systems. The additional revenue from the increased fees will also enable the Exchange to continue to maintain and improve its market technology and services. Similarly, the Exchange believes the proposed fees for the Disaster Recovery Physical Ports will allow the Exchange to maintain the Disaster Recovery Physical Ports in case they become necessary.

Lastly, the Exchange believes the fees remain competitive with those charged by other venues and therefore continue to be reasonable and equitably allocated to Members.[10]

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. As discussed above, the Exchange believes that fees for connectivity are constrained by the robust competition for order flow among exchanges and non-exchange markets. The Exchange does not believe that the proposed changes represent a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. Additionally, Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Further, excessive fees for connectivity would serve to impair an exchange's ability to compete for order flow rather than burdening competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

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) of the Act [11] and paragraph (f) of Rule 19b–4 thereunder.[12] 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.

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–CboeBYX–2018–006 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–CboeBYX–2018–006. 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 this filing will also 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–CboeBYX–2018–006 and should be submitted on or before July 11, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–13167 Filed 6–19–18; 8:45 am]

BILLING CODE 8011–01–P

[10] *See e.g.,* NYSE Arca Equities Fees and Charges, NYSE Arca Marketplace: Other Fees and Charges, Connectivity Fees. *See also,* Nasdaq Phlx LLC Pricing Schedule, Section XI, Direct Connectivity to Phlx.

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83429; File No. SR–CboeBZX–2018–038]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Physical Port Fees for BZX Options

June 14, 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 1, 2018, Cboe BZX Exchange, Inc. (''BZX'' or the ''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 Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change 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 filed a proposal to amend its fees and rebates applicable to Members[5] and non-Members of the Exchange pursuant to BZX Rule 15.1(a) and (c) to modify its fees for physical ports.

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 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to implement proposed changes to its fee schedule for its equity options platform (''BZX Options'') relating to physical connectivity fees, effective June 1, 2018. By way of background, a physical port is utilized by a Member or non-Member to connect to the Exchange at the data centers where the Exchange's servers are located. The Exchange currently maintains a presence in two third-party data centers: (i) The primary data center where the Exchange's business is primarily conducted on a daily basis, and (ii) a secondary data center, which is predominantly maintained for business continuity purposes. The Exchange currently assesses the following physical connectivity fees for Members and non-Members on a monthly basis: $2,000 per physical port for a 1 gigabyte circuit and $7,000 per physical port for a 10 gigabyte circuit. The Exchange proposes to increase the fees per physical ports from (i) $2,000 to $2,500 per month, per port for a 1 gigabyte circuit and (ii) $7,000 to $7,500 per month, per port for a 10 gigabyte circuit. The Exchange notes the proposed fees enable it to continue to maintain and improve its market technology and services and also notes that the proposed fee changes are in line with the amounts assessed by other exchanges for similar connections.[6]

The Exchange also proposes to adopt separate physical port fees for connection to its secondary data center, which is predominantly maintained for business continuity purposes (''Disaster Recovery Systems''). Particularly, the Disaster Recovery Systems can be accessed via physical ports in Chicago. Members and Non-Members may maintain physical ports in order to be able to connect to the Disaster Recovery Systems in case of a disaster. Currently, physical ports that are used to connect to the Disaster Recovery Systems are assessed the same fees as physical ports used to connect to the Exchange's trading system. The Exchange proposes to establish separate pricing for physical ports that are used to connect to the Disaster Recovery Systems (''Disaster Recovery Physical Ports''). Specifically, the Exchange proposes to assess a monthly fee of $2,000 per 1 gigabyte Disaster Recovery Physical Port and a monthly fee of $6,000 per 10 gigabyte Disaster Recovery Physical Port. This amount will continue to enable the Exchange to maintain the Disaster Recovery Physical Ports in case they become necessary. The Exchange notes that the Disaster Recovery Physical Ports may also be used to access the Disaster Recovery Systems for the following affiliate exchanges Cboe EDGX Exchange, Inc., Cboe BYX Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe C2 Exchange, Inc., Cboe Exchange, Inc. and Cboe Futures Exchange, LLC as well. The Exchange proposes to provide that market participants will only be assessed a single fee for any Disaster Recovery Physical Port that also accesses the Disaster Recover Systems for these exchanges.[7]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[8] in general, and furthers the objectives of Section 6(b)(4),[9] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange also notes that it operates in a highly-competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. The proposed rule change reflects a competitive pricing structure designed to incent market participants to direct their order flow to the Exchange.

The Exchange believes that the proposed changes are equitable and non-discriminatory in that it applies uniformly to all Members. Members and non-Members will continue to choose whether they want more than one physical port and/or Disaster Recovery Physical Port and choose the method of connectivity based on their specific needs. All Members that voluntarily select various service options will be charged the same amount for the same services.

The Exchange believes that the proposal represents an equitable allocation of reasonable dues, fees, and other charges as its fees for physical connectivity are reasonably constrained by competitive alternatives. If a particular exchange charges excessive fees for connectivity, affected Members and non-Members may opt to terminate their connectivity arrangements with that exchange, and adopt a possible range of alternative strategies, including routing to the applicable exchange

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The term ''Member'' is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

[6] *See e.g.,* NYSE Arca Equities Fees and Charges, NYSE Arca Marketplace: Other Fees and Charges, Connectivity Fees. *See also,* Nasdaq Phlx LLC Pricing Schedule, Section XI, Direct Connectivity to Phlx.

[7] For example, if a market participant uses a 1 gigabyte Disaster Recovery Physical Port to connect to the Disaster Recovery Systems for both BZX and EDGX, the market participant would only be assessed one monthly fee of $2,000.

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(4).

through another participant or market center or taking that exchange's data indirectly. Accordingly, if the Exchange charges excessive fees, it would stand to lose not only connectivity revenues but also revenues associated with the execution of orders routed to it, and, to the extent applicable, market data revenues. The Exchange believes that this competitive dynamic imposes powerful restraints on the ability of any exchange to charge unreasonable fees for connectivity.

Furthermore, the proposed rule change is also an equitable allocation of reasonable dues, fees, and other charges as the Exchange believes that the proposed increased physical port fees will enable it to cover its infrastructure costs associated with establishing physical ports to connect to the Exchange's systems. The additional revenue from the increased fees will also enable the Exchange to continue to maintain and improve its market technology and services. Similarly, the Exchange believes the proposed fees for the Disaster Recovery Physical Ports will allow the Exchange to maintain the Disaster Recovery Physical Ports in case they become necessary.

Lastly, the Exchange believes the fees remain competitive with those charged by other venues and therefore continue to be reasonable and equitably allocated to Members.[10]

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. As discussed above, the Exchange believes that fees for connectivity are constrained by the robust competition for order flow among exchanges and non-exchange markets. The Exchange does not believe that the proposed changes represent a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. Additionally, Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Further, excessive fees for connectivity would serve to impair an exchange's ability to compete for order flow rather than burdening competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

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) of the Act [11] and paragraph (f) of Rule 19b–4 thereunder.[12] 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.

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–CboeBZX–2018–038 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–CboeBZX–2018–038. 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–CboeBZX–2018–038, and should be submitted on or before July 11, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–13159 Filed 6–19–18; 8:45 am]

BILLING CODE 8011–01–P

[10] *See e.g.,* NYSE Arca Equities Fees and Charges, NYSE Arca Marketplace: Other Fees and Charges, Connectivity Fees. *See also,* Nasdaq Phlx LLC Pricing Schedule, Section XI, Direct Connectivity to Phlx.

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83440; File No. SR–NYSENAT–2018–13]

Self-Regulatory Organizations; NYSE National, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Schedule of Fees and Rebates To Extend the Current Waiver of Certain Adding and Taking Tier Volume Requirements to July 1, 2018, and Make Non-Substantive Changes To Eliminate Obsolete Text

June 14, 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 6, 2018, NYSE National, Inc. (the ''Exchange'' or ''NYSE National'') 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

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

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 Schedule of Fees and Rebates to (1) extend the current waiver of certain adding and taking tier volume requirements to July 1, 2018, and (2) make non-substantive changes to eliminate obsolete text. The Exchange proposes to implement the rule change on June 6, 2018.[4] The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Schedule of Fees and Rebates to (1) extend the current waiver of certain adding and taking tier volume requirements to July 1, 2018, and (2) make non-substantive changes to eliminate obsolete text.

The Exchange proposes to implement the rule change on June 6, 2018.

Extend Waiver of Adding and Taking Tier Volume Requirements

Currently, under the Adding Tier, the Exchange charges fees of $0.0020 per share for displayed orders, $0.0022 per share for non-displayed orders, $0.0018 per share for orders that set a new Exchange BBO,[5] and $0.0005 per share for Mid-Point Liquidity (''MPL'') orders for transactions in stocks with a per share price of $1.00 or more when adding liquidity to the Exchange if the ETP Holder has at least 0.015% of Adding ADV as a percent of US CADV. Under the Taking Tier, the Exchange offers credits of ($0.0020) per share for orders and ($0.0002) per share for MPL orders for transactions in stocks with a per share price of $1.00 or more when removing liquidity from the Exchange if the ETP Holder has at least 50,000 shares of Adding ADV. As reflected in footnote * of the Schedule of Fees and Rebates, the Exchange currently waives the volume requirements for both of these tiers until June 1, 2018.

The Exchange proposes to extend the waiver of the volume requirements for the Adding Tier and Taking Tier until July 1, 2018, which would be reflected in footnote * of the Schedule of Fees and Rebates.

Deletion of Obsolete Text

Currently, the Exchange does not [sic] to charge for order/quote entry ports and for drop copy ports until June 1, 2018.[6] Thereafter, as the Exchange noted in its filing adopting the port fees, the Exchange would charge $250 per port per month for both order/quote entry ports and drop copy ports, and the fees would apply to all market participants.[7] Because the fee waivers expire on June 1, 2018, and the Exchange does not propose to extend the waivers, the Exchange accordingly proposes to eliminate the waiver language in the Section III (Port Fees) of the Schedule of Fees and Rebates as obsolete.

The proposed changes are not otherwise intended to address any other issues, and the Exchange is not aware of any problems that ETP Holders would have in complying with the proposed change.

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) and 6(b)(5) 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.

Extend Waiver of Adding and Taking Tier Volume Requirements

The Exchange believes it is reasonable to extend the waiver of the Adding Tier and Taking Tier volume requirements until July 1, 2018, because the continued waiver for a limited period of time will provide incentives for ETP Holders to submit increased volumes and enable the Exchange to improve its overall competitiveness and strengthen its market quality to the benefit of all market participants. The proposed extension of the volume requirements waiver is not unfairly discriminatory because it will apply equally to all similarly situated ETP Holders.

Non-Substantive Changes

The Exchange believes that the proposed deletion of waiver language expiring June 1, 2018, relating to port fees removes impediments to, and perfects the mechanism of, a free and open market by adding clarity as to whether waivers are operative and when, thereby reducing potential confusion that may result from having obsolete material in the Exchange's rulebook, and making the Exchange's rules easier to navigate. The Exchange believes that eliminating such obsolete material would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from increased transparency, thereby reducing potential confusion.

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,[10] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance

[4] The Exchange originally filed to amend the Fee Schedule on May 31, 2018 (SR–NYSENAT–2018–11) and withdrew such filing on June 6, 2018. This filing replaces SR–NYSENAT–2018–11 in its entirety.

[5] The term ''BBO'' is defined in Rule 1.1 to mean the best bid or offer that is a Protected Quotation on the Exchange. The term ''BB'' means the best bid that is a Protected Quotation on the Exchange and the term ''BO'' means the best offer that is a Protected Quotation on the Exchange.

[6] Order/quote entry ports provide connectivity to the Exchange's trading systems (*i.e.,* ports for entry of orders and/or quotes). Drop copy ports allow for the receipt of ''drop copies'' of order or transaction information. Firms receive confirmations of their orders and receive execution reports via the order/quote entry port that is used to enter the order or quote. A ''drop copy'' contains redundant information that a firm chooses to have ''dropped'' to another destination (*e.g.,* to allow the firm's back office and/or compliance department, or another firm—typically the firm's clearing broker—to have immediate access to the information). Drop copies can only be sent via a drop copy port. Drop copy ports cannot be used to enter orders and/or quotes.

[7] *See* SR–NYSENAT–2018–12.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4) & (5).

[10] 15 U.S.C. 78f(b)(8).

of the purposes of the Act. Instead, the Exchange believes that the proposed rule change 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. 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. The Exchange also believes that the proposed rule is designed to provide the public and investors with a Schedule of Fees and Rebates that is clear and consistent, thereby reducing burdens on the marketplace and facilitating investor protection.

Finally, 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 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) [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–NYSENAT–2018–13 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–NYSENAT–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; the Commission does not edit personal identifying information from submissions. 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–NYSENAT–2018–13 and should be submitted on or before July 11, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–13166 Filed 6–19–18; 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. 34–83447; File No. SR–NYSEArca–2018–39]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating To Changes in the Description of the Investments of the USCF Canadian Crude Oil Index Fund

June14, 2018.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on May 31, 2018, NYSE Arca, Inc. (''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.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to reflect changes in the description of the investments of the USCF Canadian Crude Oil Index Fund (the ''Fund'').

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

Shares of the Fund have been approved by the Securities and Exchange Commission (the ''Commission'') for listing and trading on the Exchange under NYSE Arca Rule 8.200–E, Commentary .02. The Fund's shares have not commenced trading on the Exchange. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Commission has approved a proposed rule change relating to listing and trading on the Exchange of shares (''Shares'') of the Fund under NYSE Arca Rule 8.200–E,[4] which governs the listing and trading of Trust Issued Receipts.[5] The Fund is a new series of the United States Commodity Index Funds Trust (the ''Trust'').[6] The Fund's Shares have not commenced trading on the Exchange.

As stated in the Prior Amendment, according to the Registration Statement, the investment objective of the Fund is for the daily changes in percentage terms of per Share NAV to reflect the daily changes in percentage terms of the Canadian Crude Excess Return Index (the ''CCIER'' or ''Index''), plus interest income from the Fund's short-term fixed income holdings, less the Fund's expenses.

The Prior Amendment stated as follows (included on pages 5–6 of the Prior Amendment): ''The Fund will seek to achieve its investment objective by first entering into cash-settled uncleared over-the-counter (''OTC'') total return swap and/or forward transactions based on, and intended to replicate the return of, the CCIER (''Benchmark OTC Derivatives Contracts'', as described further below), and, second, to the extent market conditions are more favorable for such futures as compared to Benchmark OTC Derivatives Contracts, investing in the Benchmark Component Futures Contracts that underlie the CCIER. It will support these investments and investments in any other OTC derivatives contracts by holding the amounts of its margin, collateral and other requirements relating to these obligations in short-term obligations of the United States of two years or less (''Treasuries''), cash and cash equivalents. [footnote 9] [7]

Third, if constrained by regulatory requirements or in view of market conditions or if one or more of the other Benchmark Component Futures Contracts is not available, the Fund may next invest in exchange traded futures contracts that are economically identical or substantially similar to the Benchmark Component Futures Contracts, *e.g.,* futures contracts that are based on changes in the price of WTI oil traded on the CME.

When, in view of regulatory requirements and market conditions, the Fund has invested to the fullest extent possible in the Benchmark OTC Derivatives Contracts and exchange-traded futures contracts, the Fund may then invest in (i) cleared swap contracts based on the Benchmark Component Futures Contracts, (ii) uncleared OTC derivatives contracts (specifically, swaps, forwards and options) based on either the price of the Benchmark Component Futures Contracts or on the price of the crude oil underlying the Benchmark Component Futures Contracts, and (iii) exchange-traded options on the Benchmark Component Futures Contracts. The foregoing investments, together with the Benchmark Component Futures Contracts and other exchange-traded futures contracts that are economically identical or substantially similar to the Benchmark Component Futures Contracts are referred to collectively as 'Other Crude Oil-Related Investments'.

Market conditions that USCF currently anticipates could cause the Fund to invest in Other Crude Oil-Related Investments include those allowing the Fund to obtain greater liquidity, to execute transactions with more favorable pricing, or if the Fund or USCF exceeds position limits or accountability levels established by an exchange.''

The Exchange proposes to replace the representations in the four preceding paragraphs regarding the Fund's investments with the following:

The Fund will seek to achieve its investment objective first by investing in the nearby futures contracts that comprise the CCIER, *i.e.,* (i) the ICE Crude Diff—TMX WCS 1B Index Future (ICE symbol: TDX) (the ''WCS Future''); and (ii) the ICE WTI Crude Future (ICE symbol: T) (the ''WTI Future'') (the WCS Futures and WTI Futures that comprise the CCIER are referred to herein as ''Benchmark Component Futures Contracts'') and may also invest in exchange traded futures contracts that are economically identical or substantially similar to the Benchmark Component Futures Contracts, *e.g.,* futures contracts that are based on changes in the price of WTI crude oil traded on the Chicago Mercantile Exchange (''CME''), (together with the Benchmark Component Futures Contracts, ''eligible futures contracts'').[8]

[4] *See* Securities Exchange Act Release No. 81655 (September 19, 2017), 82 FR 44678 (September 25, 2017) (Notice of Filing of Amendment No. 4, and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 4, Relating to the Listing and Trading of Shares of the USCF Canadian Crude Oil Index Fund Under NYSE Arca Rule 8.200–E) (''Prior Order''). *See also* Amendment No. 4 to SR–NYSEArca–2016–177, available at *https://www.sec.gov/comments/sr-nysearca-2016-177/nysearca2016177-2228753-160788.pdf* (''Prior Amendment''). All terms referenced but not defined herein are defined in the Prior Order and Prior Amendment.

[5] Commentary .02 to NYSE Arca Rule 8.200–E applies to Trust Issued Receipts that invest in ''Financial Instruments.'' The term ''Financial Instruments,'' as defined in Commentary .02(b)(4) to NYSE Arca Rule 8.200–E, means any combination of investments, including cash; securities; options on securities and indices; futures contracts; options on futures contracts; forward contracts; equity caps, collars, and floors; and swap agreements.

[6] The Trust is registered under the Securities Act of 1933 (15 U.S.C. 77a) (''Securities Act''). On June 16, 2016, the Trust filed with the Commission a registration statement on Form S–1 under the Securities Act relating to the Fund (File No. 333–212089) (''Registration Statement''). Pre-Effective Amendment No. 2 to the Registration Statement was filed on April 9, 2018. The changes described herein will not be implemented until an amendment to the Registration Statement relating to such changes is effective and this proposed rule change is effective and operative.

[7] The Prior Amendment stated the following in footnote 9: ''For purposes of this filing, cash equivalents are short-term instruments with maturities of less than three months and shall include the following: (i) Certificates of deposit issued against funds deposited in a bank or savings and loan association; (ii) bankers' acceptances, which are short-term credit instruments used to finance commercial transactions; (iii) repurchase agreements and reverse repurchase agreements; (iv) bank time deposits, which are monies kept on deposit with banks or savings and loan associations for a stated period of time at a fixed rate of interest; (v) commercial paper, which are short-term unsecured promissory notes; and (vi) money market funds.''

[8] As noted in the Prior Amendment, not more than 10% of the net assets of the Fund in the aggregate invested in futures contracts, or options on futures shall consist of futures contracts, or options on futures whose principal market is not a member of the Intermarket Surveillance Group or is

Thereafter, in view of regulatory requirements and market conditions and if the Fund has invested to the fullest extent possible in the eligible futures contracts described above, the Fund may then enter into any of the following: (i) Cleared swap contracts based on eligible futures contracts, (ii) cash-settled, uncleared over-the-counter (''OTC'') derivatives contracts (specifically, swaps, forwards and options) based on the price of the Benchmark Component Futures Contracts, other eligible futures contracts, the return on the CCIER or on the price of the crude oil underlying the Benchmark Component Futures Contracts (''OTC derivatives contracts''), or (iii) exchange-traded options on the Benchmark Component Futures Contracts. The foregoing investments, other than eligible futures contracts, are referred to collectively as ''Other Crude Oil-Related Investments''. Market conditions that USCF currently anticipates could cause the Fund to invest in Other Crude-Oil Related Investments include those allowing the Fund to obtain greater liquidity, to execute transactions with more favorable pricing, or if the Fund or USCF exceeds position limits or accountability levels established by an exchange. The Fund will support the margin, collateral and other requirements relating to its investments in eligible futures contracts and Other Crude Oil-Related Investments by holding the remaining amounts of its assets in short-term obligations of the United States with maturities of two years or less (''Treasuries''), cash and cash equivalents.[9]

Deletion of References to Benchmark OTC Derivatives Contracts

Because the Fund will not seek to achieve its investment objective by first entering into Benchmark OTC Derivatives Contracts, as stated in the Prior Amendment, and because the term ''Benchmark OTC Derivatives Contracts'' will not be used to describe the Fund's investments, the Exchange proposes to delete or modify references to Benchmark OTC Derivatives Contracts or to the Fund's significant use of OTC derivatives contracts in the Prior Amendment, as described below.

The Exchange proposes to delete the following phrase from the second sentence of the last partial paragraph on page 6 of the Prior Amendment: ''Notwithstanding the Fund's significant use of OTC derivatives contracts. . .''. Thus such sentence would read: ''The Sponsor believes that market arbitrage opportunities will cause daily changes in the Fund's Share price on the NYSE Arca on a percentage basis to closely track the daily changes in the Fund's per Share NAV on a percentage basis.''

The Exchange proposes to delete the following phrase from the sentence comprising footnote 10 of the Prior Amendment: ''While the Fund will primarily be composed of, and therefore will be a measure of, the prices of the Benchmark OTC Derivatives Contracts based upon futures comprising the CCIER,''. The remainder of such sentence, beginning with ''there is expected to be a reasonable degree of correlation'', would be unchanged.

The Prior Amendment stated as follows (included on page 7 of the Prior Amendment): ''According to the Registration Statement, the Fund will primarily invest in Benchmark OTC Derivatives Contracts that are based on the CCIER which is comprised of the Benchmark Component Futures Contracts and, in the opinion of the Sponsor, are traded in sufficient volume to permit the ready taking and liquidation of positions. Such Benchmark OTC Derivatives Contracts, as well as all other Other Crude Oil-Related Investments that are OTC derivatives, will be ''swaps'' for purposes of Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act that fall within the jurisdiction of the Commodity Futures Trading Commission.''[10]

The Exchange proposes to replace these statements with the following: ''In the opinion of the Sponsor, the Other Crude-Oil Related Investments are traded in sufficient volume to permit the ready taking and liquidation of positions. Such other Other Crude Oil-Related Investments that are cleared swaps and OTC derivatives contracts, will be ''swaps'' for purposes of Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act that fall within the jurisdiction of the Commodity Futures Trading Commission.''

The Prior Amendment stated as follows (included in the last paragraph on page 7 of the Prior Amendment): ''The OTC derivatives contracts, including the Benchmark OTC Derivatives Contracts, will be entered between two parties, outside of public exchanges, in private contracts. Unlike the exchange-traded Benchmark Component Futures Contracts and the other exchange traded futures contracts, each party to an OTC derivatives contract bears credit risk with respect to the other party.''

The Exchange proposes to replace these statements with the following: ''The OTC derivatives contracts will be entered between two parties, outside of public exchanges, in private contracts. Unlike the eligible futures contracts, each party to an OTC derivatives contract bears credit risk with respect to the other party.''

The first sentence on page 8 of the Prior Amendment states as follows: ''In accordance with the terms and conditions of the Fund's ISDA Master Agreements, pursuant to which the Fund's OTC derivatives contracts will be entered into, the Fund will be entitled to increase or decrease its notional exposure to the CCIER from time to time, to among other things, manage Share purchases and reinvestment of distributions, Fund Share redemptions and market repurchases of Shares, and meet other liquidity needs.''

The Exchange proposes to replace this sentence with the following: ''In accordance with the terms and conditions of the Fund's ISDA Master Agreements, pursuant to which the Fund's OTC derivatives contracts will be entered into, the Fund will be entitled to increase or decrease its notional exposure under the applicable OTC derivatives contracts to, among other things, manage Share purchases, Fund Share redemptions and market repurchases of Shares, and meet other liquidity needs.''

The Exchange proposes to delete the phrase '', including the Benchmark OTC Derivatives Contracts,'' from the first full paragraph on page 8 of the Prior Amendment.

The first two sentences of the second full paragraph on page 8 of the Prior Amendment state as follows: ''The daily marked-to-market value of a Benchmark OTC Derivatives Contract will be based upon the performance of a notional investment in the CCIER. In turn, the performance of the CCIER will be based upon the performance of the underlying Benchmark Component Futures Contracts.''

The Exchange proposes to replace these sentences with the following sentence: ''The daily marked-to-market value of a cleared swap contract or an OTC derivatives contract will be based upon the performance of Benchmark Component Futures Contracts, other eligible futures contracts, the return of the CCIER, or on the price of the crude

a market with which the Exchange does not have a comprehensive surveillance sharing agreement.

[9] The definition of ''cash equivalents'' is unchanged from the definition in the Prior Amendment. *See* note 7, *supra.*

[10] The caption ''Benchmark OTC Derivatives Contracts'' would be replaced by ''OTC Derivatives Contracts.''

oil underlying Benchmark Component Futures Contracts.''

The third full paragraph on page 8 of the Prior Amendment states as follows: ''The Fund may also enter into multiple Benchmark OTC Derivatives Contracts for the purpose of achieving its investment objective. If a Benchmark OTC Derivatives Contract is terminated, the Fund may either pursue the same or other alternative investment strategies with an acceptable counterparty, or make direct investments in the Benchmark Component Futures Contracts or other investments described above that provide a similar return to investing in the Benchmark Component Futures Contracts.''

The Exchange proposes to replace this paragraph with the following: ''If an OTC derivatives contract is terminated, the Fund may either pursue the same or other alternative investments with another acceptable counterparty, or make direct investments in the eligible futures contracts or other investments described above.''

Because the Fund will seek to achieve its investment objective first by investing in the nearby futures contracts that comprise the CCIER rather than by first entering into Benchmark OTC Derivatives Contracts, as stated in the Prior Amendment, the Sponsor has determined that it is appropriate to establish a later cutoff time for placing purchase and redemption orders. The first full paragraph on page 10 of the Prior Amendment states as follows: ''Purchase orders and redemption orders must be placed by 10:30 a.m. E.T. or the close of regular trading on the NYSE Arca, whichever is earlier. [footnote 13]'' The Exchange proposes to replace the preceding sentence with the following: ''Purchase orders and redemption orders must be placed by noon E.T. or the close of regular trading on the NYSE Arca, whichever is earlier. [footnote 13]''

The first sentence of footnote 13 of the Prior Amendment states as follows: ''USCF represents that an Authorized Participant's arbitrage opportunities with respect to the price it must pay for a Creation Basket will not be materially impacted by the requirement that the purchase and redemption order must be received by 10:30 a.m. E.T. which is prior to the ICE Futures Europe closing time.'' The Exchange proposes to replace this sentence with the following: ''USCF represents that an Authorized Participant's arbitrage opportunities with respect to the price it must pay for a Creation Basket will not be materially impacted by the requirement that the purchase and redemption order must be received by noon E.T., which is prior to the ICE Futures Europe closing time.'' [11]

The Prior Amendment stated as follows (included on pages 8–9 of the Prior Amendment):

''The Fund may also enter into certain transactions where an OTC derivatives contract component is exchanged for a corresponding futures contract (an ''Exchange for Related Position'' or ''EFRP'' transaction).''

The Exchange proposes to replace this sentence with the following: ''The Fund may also enter into certain transactions where a cleared swap or an OTC derivatives contract component is exchanged for a corresponding futures contract (an ''Exchange for Related Position'' or ''EFRP'' transaction).''

The Prior Amendment stated as follows (included on pages 10–11 of the Prior Amendment, under ''Calculating Per Share NAV''): ''The Benchmark OTC Derivatives Contracts will be valued by the Administrator using the publicly available CCIER price. The CCIER is determined by the index calculation agent using, the last reported closing or settlement prices of the Benchmark Component Futures Contracts determined by ICE Futures Europe (determined as of 2:30 p.m. E.T. or the earlier close of such exchange that day) or, [footnote 14] in the case of a market disruption and no determination being made by ICE Futures Europe, the last traded price before 2:30 p.m. E.T. that day. For other futures contracts traded on exchanges the Administrator will use the closing or settlement price published by the applicable exchange or, in the case of a market disruption, the last traded price before settlement.''

The Exchange proposes to replace these sentences with the following: ''The Benchmark Component Futures Contracts will be valued by the Administrator using the publicly available last reported closing or settlement prices of the these futures contracts determined by ICE Futures Europe (determined as of 2:30 p.m. E.T. or the earlier close of such exchange that day) or, [footnote 14] in the case of a market disruption and no determination being made by ICE Futures Europe, the last traded price before 2:30 p.m. E.T. that day. For other futures contracts traded on exchanges the Administrator will use the closing or settlement price published by the applicable exchange or, in the case of a market disruption, the last traded price before settlement. In general, the values of a cleared swap contract or an OTC derivatives contract will be based on the performance of the Benchmark Component Futures Contracts, other eligible futures contracts, the return on the CCIER, or on the price of the crude oil underlying the Benchmark Component Futures Contracts. The value of the CCIER will be the value determined by the index calculation agent using the reported closing or settlement prices of the Benchmark Component Futures Contracts.''

Footnote 14 of the Prior Amendment stated as follows:

''The value of the CCIER for purposes of determining the Fund's end of day NAV and the purchase or redemption price for the shares by Authorized Participants will be determined as of 2:30 p.m. E.T. which is the designated time for determining the daily settlement price of the Benchmark Component Futures Contracts. The Benchmark Component Futures Contracts on ICE Futures Europe continue to trade past 2:30 p.m. E.T. and through the end of the NYSE Arca Core Trading Session at 4:00 p.m. E.T.''

The Exchange proposes to delete the first sentence of footnote 14 of the Prior Amendment so that such footnote reads as follows:

''The Benchmark Component Futures Contracts on ICE Futures Europe continue to trade past 2:30 p.m. E.T. and through the end of the NYSE Arca Core Trading Session at 4:00 p.m. E.T.''

The last sentence of the first full paragraph on page 16 of the Prior Amendment stated as follows:

''The Information Bulletin will also reference that the CFTC has regulatory jurisdiction over the trading of Benchmark Component Futures Contracts and the Benchmark OTC Derivatives Contracts.''

The Exchange proposes to replace this sentence with the following:

''The Information Bulletin will also reference that the CFTC has regulatory jurisdiction over the trading of Benchmark Component Futures Contracts, cleared swaps and certain OTC derivatives contracts.''

The Exchange proposes to add reference to cleared swap contracts in the description of portfolio holdings to be made available on the Fund's website, as described in the first full paragraph on page 12 of the Prior Amendment and the third paragraph on page 17 of the Prior Amendment. Therefore, the Exchange proposes to

[11] The Commission has previously approved the listing and trading on the Exchange of Trust Issued Receipts listed under NYSE Arca Rule 8.600–E [sic], Commentary .02 for which creation and redemption orders must be placed by noon, E.T. *See, e.g.,* Securities Exchange Act Release No. 66466 (February 24, 2012), 77 FR 12631 (March 1, 2012) (SR–NYSEArca–2011–97) (Order Granting Approval of Proposed Rule Change Relating to Listing and Trading of Shares of the Teucrium Agriculture Fund under NYSE Arca Equities Rule 8.200).

state that website disclosure of portfolio holdings will be made daily and will include, as applicable, (i) the composite value of the total portfolio, (ii) the quantity and type (including maturity, effective date, ticker symbol or other identifier, if any) and other descriptive information, and value of each holding, including, in the case of cleared swap contracts or an OTC derivatives contract, the type of cleared swap contract or OTC derivatives contract, its notional value and the underlying instrument, index or asset on which the cleared swap contract or OTC derivatives contract is based, and, in the case of cleared swaps, the clearinghouse for such swaps, and, in the case of options, its strike price, (iii) the type (including maturity, effective date, ticker symbol or other identifier, if any) and value of each Treasury security and cash equivalent, and (iv) the amount of cash held in the Fund's portfolio.

Except for the changes noted above, all other representations made in the Prior Amendment remain unchanged.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5) [12] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest. The Trust's ''Sponsor'', United States Commodity Funds LLC, represents that it has determined that, in satisfying the Fund's investment objective, it is preferable for the Fund first to invest in the futures contracts that comprise the CCIER or other eligible futures contracts, as described above, instead of first entering into cash-settled, uncleared OTC total return swap and/or forward transactions based on, and intended to replicate the return of, the CCIER. The Sponsor also represents that, in general, the futures markets are more liquid than OTC derivatives and more directly reflect the values of the futures contracts underlying the CCIER.

The proposed deletions or changes to references to the term ''Benchmark OTC Derivatives Contracts'' as used in the Prior Amendment are appropriate in that, going forward, such term will not be used to describe the Fund's investments.

The Fund will comply with all initial and continued listing requirements under NYSE Arca Rule 8.200–E and Commentary .02 thereto. Except for the changes noted above, all other representations made in the Prior Amendment remain unchanged.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange believes the proposed rule change relating to the Fund's investments will provide the Fund with the greater ability to utilize listed futures contracts and facilitate the Fund's ability to satisfy its investment objective, and will enhance market competition with respect to trading in the Fund's Shares.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [13] and Rule 19b–4(f)(6) thereunder.[14]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [15] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [16] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposed rule change may become operative upon filing. The Exchange states that the Shares have not commenced trading on the Exchange, and waiver of the operative delay would accommodate trading in the Shares on the Exchange before the 30-day delayed operative date. Moreover, according to the Exchange, the proposal would provide the Fund with greater ability to utilize listed futures contracts and facilitate the Fund's ability to satisfy its investment objective.[17] The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2018–39 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6)(iii).

[17] The Commission has previously approved the listing and trading of other Trust Issued Receipts under NYSE Arca Rule 8.200–E, Commentary .02 that primarily invest in oil futures contracts. *See, e.g.,* Securities Exchange Act Release No. 80427 (April 11, 2017), 82 FR 18058 (April 14, 2017) (SR–NYSEArca-2016–173).

[18] 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).

Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2018–39. 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–2018–39 and should be submitted on or before July 11, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–13172 Filed 6–19–18; 8:45 am]

BILLING CODE 8011–01–P

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83438; File No. SR–CboeBZX–2018–039]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use on Cboe BZX Exchange, Inc.

June 14, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 1, 2018, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') 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 Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change 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 filed a proposal to amend the fee schedule applicable to Members[5] and non-Members of the Exchange pursuant to BZX Rules 15.1(a) and (c). *OR* [sic]

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 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

The Exchange proposes to amend its fee schedule applicable to its equities trading platform (''BZX Equities''). Particularly, the Exchange proposes to amend the NBBO Setter Tiers effective June 1, 2018.

The Exchange currently offers two NBBO Setter Tiers under footnote 19, which provide an additional rebate of $0.00015 to $0.0004 per share for orders that establish a new National Best Bid or Offer (''NBBO'') and which are appended with fee code B, V or Y. The Exchange notes that the proposed [sic] the NBBO Setter Tiers are additive rebates, and thus, can be combined with other incentives and structures offered by the Exchange. The Exchange proposes to amend both NBBO Setter Tiers 1 and 2.

First, the Exchange proposes to amend NBBO Setter Tier 1. Currently, a Member will receive a rebate of $0.00015 per share where a Member has a Setter Add TCV[6] of greater than or equal to 0.10%. The Exchange proposes to increase the rebate for NBBO Setter Tier 1 from $0.00015 to $0.0003 per share. The Exchange also proposes to increase the Setter Add TCV requirement from 0.10% to 0.15%.

Lastly, the Exchange proposes to amend NBBO Setter Tier 2. Currently, a Member will receive a rebate of $0.0004 per share where a Member has a Setter Add TCV of greater than or equal to 0.15%. The Exchange proposes to increase the Setter Add TCV requirement from 0.15% to 0.20%.

2. Statutory Basis

The Exchange believes that the proposed rule changes are consistent with the objectives of Section 6 of the Act,[7] in general, and furthers the objectives of Section 6(b)(4),[8] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange also notes that it operates in a highly-competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. The proposed rule changes reflect a competitive pricing structure designed to incentivize market participants to direct their order flow to the Exchange.

The Exchange believes the modification to the additional rebate provided by the NBBO Setter Tier 1 under footnote 19 is a reasonable means to encourage Members to not only

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The term ''Member'' is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

[6] ''Setter Add TCV'' [sic] means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply.

[7] 15 U.S.C. 78f.

[8] 15 U.S.C. 78f(b)(4).

increase their liquidity on the Exchange, but also to contribute to the market quality of the Exchange by offering aggressively priced liquidity. The Exchange further believes that the proposed increased rebate represents an equitable allocation of reasonable dues, fees, and other charges because the thresholds necessary to achieve the tiers would continue to encourage Members to add additional liquidity to the Exchange. The revised additional rebate was modestly changed and continues to reasonably reflect the difficulty of achieving each tier's required criteria. The proposed change also is not unreasonably discriminatory as it applies equally to all Members.

The Exchange also notes that volume-based discounts such as those currently maintained on the Exchange have been widely adopted by exchanges and are equitable and non-discriminatory because they are open to all Members on an equal basis and provide additional benefits or discounts that are reasonably related to the value of an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns, and introduction of higher volumes of orders into the price and volume discovery processes. While the proposed modification to the criteria set forth in NBBO Setter Tiers 1 and 2 makes such tiers slightly more difficult to attain, it is intended to incentivize Members to send additional volume and aggressively priced liquidity, in an effort to qualify or continue to qualify for the rebates made available by the tiers. As such, the Exchange also believes that the proposed changes are reasonable. The Exchange notes that increased volume on the Exchange provides greater trading opportunities for all market participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that any of the proposed change to the Exchange's tiered pricing structure burden competition, but instead, that they enhance competition as they are intended to increase the competitiveness of BZX by modifying pricing incentives in order to attract order flow and incentivize participants to increase their participation on the Exchange. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee structures to be unreasonable or excessive. The proposed changes are generally intended to enhance the rebates for liquidity added to the Exchange, which is intended to draw additional liquidity to the Exchange. The Exchange does not believe the proposed amendments would burden intramarket competition as they would be available to all Members uniformly.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

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) of the Act [9] and paragraph (f) of Rule 19b–4 thereunder.[10] 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.

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–CboeBZX–2018–039 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–CboeBZX–2018–039. 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–CboeBZX–2018–039 and should be submitted on or before July 11, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–13164 Filed 6–19–18; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83430; File No. SR–CboeEDGX–2018–017]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Physical Port Fees for EDGX Options

June 14, 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 1, 2018, Cboe EDGX Exchange, Inc. (''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change 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 filed a proposal to amend its fees and rebates applicable to Members [5] and non-Members of the Exchange pursuant to EDGX Rule 15.1(a) and (c) to modify its fees for physical ports.

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 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

The Exchange proposes to implement proposed changes to its fee schedule for its equity options platform (''EDGX Options'') relating to physical connectivity fees, effective June 1, 2018. By way of background, a physical port is utilized by a Member or non-Member to connect to the Exchange at the data centers where the Exchange's servers are located. The Exchange currently maintains a presence in two third-party data centers: (i) The primary data center where the Exchange's business is primarily conducted on a daily basis, and (ii) a secondary data center, which is predominantly maintained for business continuity purposes. The Exchange currently assesses the following physical connectivity fees for Members and non-Members on a monthly basis: $2,000 Per physical port for a 1 gigabyte circuit and $7,000 per physical port for a 10 gigabyte circuit. The Exchange proposes to increase the fees per physical ports from (i) $2,000 to $2,500 per month, per port for a 1 gigabyte circuit and (ii) $7,000 to $7,500 per month, per port for a 10 gigabyte circuit. The Exchange notes the proposed fees enable it to continue to maintain and improve its market technology and services and also notes that the proposed fee changes are in line with the amounts assessed by other exchanges for similar connections.[6]

The Exchange also proposes to adopt separate physical port fees for connection to its secondary data center, which is predominantly maintained for business continuity purposes (''Disaster Recovery Systems''). Particularly, the Disaster Recovery Systems can be accessed via physical ports in Chicago. Members and Non-Members may maintain physical ports in order to be able to connect to the Disaster Recovery Systems in case of a disaster. Currently, physical ports that are used to connect to the Disaster Recovery Systems are assessed the same fees as physical ports used to connect to the Exchange's trading system. The Exchange proposes to establish separate pricing for physical ports that are used to connect to the Disaster Recovery Systems (''Disaster Recovery Physical Ports''). Specifically, the Exchange proposes to assess a monthly fee of $2,000 per 1 gigabyte Disaster Recovery Physical Port and a monthly fee of $6,000 per 10 gigabyte Disaster Recovery Physical Port. This amount will continue to enable the Exchange to maintain the Disaster Recovery Physical Ports in case they become necessary. The Exchange notes that the Disaster Recovery Physical Ports may also be used to access the Disaster Recovery Systems for the following affiliate exchanges Cboe BZX Exchange, Inc., Cboe BYX Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe C2 Exchange, Inc., Cboe Exchange, Inc. and Cboe Futures Exchange, LLC as well. The Exchange proposes to provide that market participants will only be assessed a single fee for any Disaster Recovery Physical Port that also accesses the Disaster Recover Systems for these exchanges.[7]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[8] in general, and furthers the objectives of Section 6(b)(4),[9] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange also notes that it operates in a highly-competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. The proposed rule change reflects a competitive pricing structure designed to incent market participants to direct their order flow to the Exchange.

The Exchange believes that the proposed changes are equitable and non-discriminatory in that it applies uniformly to all Members. Members and non-Members will continue to choose whether they want more than one physical port and/or Disaster Recovery Physical Port and choose the method of connectivity based on their specific needs. All Members that voluntarily select various service options will be charged the same amount for the same services.

The Exchange believes that the proposal represents an equitable allocation of reasonable dues, fees, and other charges as its fees for physical connectivity are reasonably constrained by competitive alternatives. If a particular exchange charges excessive fees for connectivity, affected Members and non-Members may opt to terminate their connectivity arrangements with that exchange, and adopt a possible range of alternative strategies, including routing to the applicable exchange through another participant or market center or taking that exchange's data indirectly. Accordingly, if the Exchange charges excessive fees, it would stand to lose not only connectivity revenues but also revenues associated with the execution of orders routed to it, and, to the extent applicable, market data revenues. The Exchange believes that

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The term ''Member'' is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

[6] *See e.g.,* NYSE Arca Equities Fees and Charges, NYSE Arca Marketplace: Other Fees and Charges, Connectivity Fees. *See also,* Nasdaq Phlx LLC Pricing Schedule, Section XI, Direct Connectivity to Phlx.

[7] For example, if a market participant uses a 1 gigabyte Disaster Recovery Physical Port to connect to the Disaster Recovery Systems for both BYX and EDGX, the market participant would only be assessed one monthly fee of $2,000.

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(4).

this competitive dynamic imposes powerful restraints on the ability of any exchange to charge unreasonable fees for connectivity.

Furthermore, the proposed rule change is also an equitable allocation of reasonable dues, fees, and other charges as the Exchange believes that the proposed increased physical port fees will enable it to cover its infrastructure costs associated with establishing physical ports to connect to the Exchange's systems. The additional revenue from the increased fees will also enable the Exchange to continue to maintain and improve its market technology and services. Similarly, the Exchange believes the proposed fees for the Disaster Recovery Physical Ports will allow the Exchange to maintain the Disaster Recovery Physical Ports in case they become necessary.

Lastly, the Exchange believes the fees remain competitive with those charged by other venues and therefore continue to be reasonable and equitably allocated to Members.[10]

(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. As discussed above, the Exchange believes that fees for connectivity are constrained by the robust competition for order flow among exchanges and non-exchange markets. The Exchange does not believe that the proposed changes represent a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. Additionally, Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Further, excessive fees for connectivity would serve to impair an exchange's ability to compete for order flow rather than burdening competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

[10] *See e.g.,* NYSE Arca Equities Fees and Charges, NYSE Arca Marketplace: Other Fees and Charges, Connectivity Fees. *See also,* Nasdaq Phlx LLC Pricing Schedule, Section XI, Direct Connectivity to Phlx.

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) of the Act [11] and paragraph (f) of Rule 19b–4 thereunder.[12] 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.

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–CboeEDGX–2018–017 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–CboeEDGX–2018–017. 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–CboeEDGX–2018–017 and should be submitted on or before July 11, 2018.

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–13160 Filed 6–19–18; 8:45 am]

BILLING CODE 8011–01–P

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 33123; 812–14872]

Sprott ETF Trust and Sprott Asset Management USA Inc.

June 15, 2018.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act. The requested order would permit (a) index-based series of certain open-end management investment companies (''Funds'') to issue shares redeemable in large aggregations (''Creation Units''); (b) secondary market transactions in Fund shares to occur at negotiated market prices rather than at net asset value (''NAV''); (c) certain Funds to pay redemption proceeds, under certain circumstances, more than seven days after the tender of shares for redemption; (d) certain affiliated persons of a Fund to deposit securities into, and receive securities from, the Fund in connection with the purchase and redemption of Creation Units; (e) certain registered management investment companies and unit investment trusts outside of the same

group of investment companies as the Funds (''Funds of Funds'') to acquire shares of the Funds; (f) certain Funds (''Feeder Funds'') to create and redeem Creation Units in-kind in a master-feeder structure; and (g) certain Funds to issue Shares in less than Creation Unit size to investors participating in a distribution reinvestment program.

Applicants: Sprott ETF Trust (the ''Trust''), a Delaware statutory trust, which is registered under the Act as an open-end management investment company with multiple series, and Sprott Asset Management USA Inc. (the ''Initial Adviser''), a California Corporation registered as an investment adviser under the Investment Advisers Act of 1940.

Filing Dates: The application was filed on January 23, 2018, and amended on May 22, 2018. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on July 9, 2018, and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090; Applicants, 1910 Palomar Point Way, Suite 200, Carlsbad, CA 92008.

FOR FURTHER INFORMATION CONTACT: Christine Y. Greenlees, Senior Counsel, at (202) 551–6879, or Andrea Ottomanelli Magovern, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Summary of the Application

1. Applicants request an order that would allow Funds to operate as index exchange traded funds (''ETFs'').[1] Fund shares will be purchased and redeemed at their NAV in Creation Units (other than pursuant to a distribution reinvestment program, as described in the application). All orders to purchase Creation Units and all redemption requests will be placed by or through an ''Authorized Participant,'' which will have signed a participant agreement with the Distributor. Shares will be listed and traded individually on a national securities exchange, where share prices will be based on the current bid/offer market. Certain Funds may operate as Feeder Funds in a master-feeder structure. Any order granting the requested relief would be subject to the terms and conditions stated in the application.

2. Each Fund will hold investment positions selected to correspond closely to the performance of an Underlying Index. In the case of Self-Indexing Funds, an affiliated person, as defined in section 2(a)(3) of the Act (''Affiliated Person''), or an affiliated person of an Affiliated Person (''Second-Tier Affiliate''), of the Trust or a Fund, of the Adviser, of any sub-adviser to or promoter of a Fund, or of the Distributor will compile, create, sponsor or maintain the Underlying Index.[2]

3. Shares will be purchased and redeemed in Creation Units and generally on an in-kind basis, or issued in less than Creation Unit size to investors participating in a distribution reinvestment program. Except where the purchase or redemption will include cash under the limited circumstances specified in the application, purchasers will be required to purchase Creation Units by depositing specified instruments (''Deposit Instruments''), and shareholders redeeming their shares will receive specified instruments (''Redemption Instruments''). The Deposit Instruments and the Redemption Instruments will each correspond pro rata to the positions in the Fund's portfolio (including cash positions) except as specified in the application.

4. Because shares will not be individually redeemable, applicants request an exemption from section 5(a)(1) and section 2(a)(32) of the Act that would permit the Funds to register as open-end management investment companies and issue shares that are redeemable in Creation Units (other than pursuant to a dividend reinvestment program).

5. Applicants also request an exemption from section 22(d) of the Act and rule 22c–1 under the Act as secondary market trading in shares will take place at negotiated prices, not at a current offering price described in a Fund's prospectus, and not at a price based on NAV. Applicants state that (a) secondary market trading in shares does not involve a Fund as a party and will not result in dilution of an investment in shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants represent that share market prices will be disciplined by arbitrage opportunities, which should prevent shares from trading at a material discount or premium from NAV.

6. With respect to Funds that effect creations and redemptions of Creation Units in kind and that are based on certain Underlying Indexes that include foreign securities, applicants request relief from the requirement imposed by section 22(e) in order to allow such Funds to pay redemption proceeds within fifteen calendar days following the tender of Creation Units for redemption. Applicants assert that the requested relief would not be inconsistent with the spirit and intent of section 22(e) to prevent unreasonable, undisclosed or unforeseen delays in the actual payment of redemption proceeds.

7. Applicants request an exemption to permit Funds of Funds to acquire Fund shares beyond the limits of section 12(d)(1)(A) of the Act; and the Funds, and any principal underwriter for the Funds, and/or any broker or dealer

[1] Applicants request that the order apply to the Initial Fund and any additional series of the Trust, and any other existing or future open-end management investment company or existing or future series thereof (each, included in the term ''Fund''), each of which will operate as an ETF, and their respective existing or future master funds, and will track a specified index comprised of domestic and/or foreign equity securities and/or domestic and/or foreign fixed income securities (each, an ''Underlying Index''). Any Fund will (a) be advised by the Initial Adviser or an entity controlling, controlled by, or under common control with the Initial Adviser (each of the foregoing and any successor thereto, an ''Adviser'') and (b) comply with the terms and conditions of the application. For purposes of the requested order, a ''successor'' is limited to an entity or entities that result from a reorganization into another jurisdiction or a change in the type of business organization.

[2] Each Self-Indexing Fund will post on its website the identities and quantities of the investment positions that will form the basis for the Fund's calculation of its NAV at the end of the day. Applicants believe that requiring Self-Indexing Funds to maintain full portfolio transparency will help address, together with other protections, conflicts of interest with respect to such Funds.

registered under the Exchange Act, to sell shares to Funds of Funds beyond the limits of section 12(d)(1)(B) of the Act. The application's terms and conditions are designed to, among other things, help prevent any potential (i) undue influence over a Fund through control or voting power, or in connection with certain services, transactions, and underwritings, (ii) excessive layering of fees, and (iii) overly complex fund structures, which are the concerns underlying the limits in sections 12(d)(1)(A) and (B) of the Act.

8. Applicants request an exemption from sections 17(a)(1) and 17(a)(2) of the Act to permit persons that are Affiliated Persons, or Second Tier Affiliates, of the Funds, solely by virtue of certain ownership interests, to effectuate purchases and redemptions in-kind. The deposit procedures for in-kind purchases of Creation Units and the redemption procedures for in-kind redemptions of Creation Units will be the same for all purchases and redemptions, and Deposit Instruments and Redemption Instruments will be valued in the same manner as those investment positions currently held by the Funds. Applicants also seek relief from the prohibitions on affiliated transactions in section 17(a) to permit a Fund to sell its shares to and redeem its shares from a Fund of Funds, and to engage in the accompanying in-kind transactions with the Fund of Funds.[3] The purchase of Creation Units by a Fund of Funds directly from a Fund will be accomplished in accordance with the policies of the Fund of Funds and will be based on the NAVs of the Funds.

9. Applicants also request relief to permit a Feeder Fund to acquire shares of another registered investment company managed by the Adviser having substantially the same investment objectives as the Feeder Fund (''Master Fund'') beyond the limitations in section 12(d)(1)(A) and permit the Master Fund, and any principal underwriter for the Master Fund, to sell shares of the Master Fund to the Feeder Fund beyond the limitations in section 12(d)(1)(B).

10. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–13217 Filed 6–19–18; 8:45 am]

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[3] The requested relief would apply to direct sales of shares in Creation Units by a Fund to a Fund of Funds and redemptions of those shares. Applicants, moreover, are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an Affiliated Person, or a Second-Tier Affiliate, of a Fund of Funds because an Adviser or an entity controlling, controlled by or under common control with an Adviser provides investment advisory services to that Fund of Funds.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83445; File No. SR–GEMX–2018–20]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Increase Certain Route-Out Fees Set Forth in Section II.A of the Schedule of Fees

June 14, 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 1, 2018, Nasdaq GEMX, LLC (''GEMX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to increase certain route-out fees set forth in Section II.A of the Schedule of Fees.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqgemx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to increase certain route-out fees set forth in Section II.A of the Schedule of Fees. Today, the Exchange charges Non-Priority Customers (*i.e.,* Market Maker,[3] Non-Nasdaq GEMX Market Maker,[4] Firm Proprietary [5]/ Broker-Dealer,[6] and Professional Customer [7]) route-out fees of $0.95 per contract for orders in Non-Penny Symbols that are routed to away exchanges in connection with the Options Order Protection and Locked/ Crossed Market Plan (the ''Plan''). The Exchange now proposes to increase this fee to $1.09 per contract for all Non-Priority Customer orders in Non-Penny Symbols that are routed to away

[3] The term ''Market Makers'' refers to ''Competitive Market Makers'' and ''Primary Market Makers'' collectively. *See* Rule 100(a)(30).

[4] A ''Non-Nasdaq GEMX Market Maker'' is a market maker as defined in Section 3(a)(38) of the Securities Exchange Act of 1934, as amended, registered in the same options class on another options exchange.

[5] A ''Firm Proprietary'' order is an order submitted by a member for its own proprietary account.

[6] A ''Broker-Dealer'' order is an order submitted by a member for a broker-dealer account that is not its own proprietary account.

[7] A ''Professional Customer'' is a person or entity that is not a broker/dealer and is not a Priority Customer.

exchanges in connection with the Plan. The Exchange believes that the proposed increase will help offset the costs associated with routing orders through the Plan, such as paying the transaction fees for such executions at other exchanges.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[9] 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 Exchange believes that proposed increase in the Non-Priority Customer route-out fees from $0.95 to $1.09 per contract for orders in Non-Penny Symbols is reasonable because it is designed to help recoup costs associated with routing orders to away exchanges in connection with the Plan, such as paying the transaction fees for such executions at other exchanges. Furthermore, the Exchange notes that the proposed fees remain competitive with the fees of other options exchanges which, in addition to a fixed routing fee, assess the actual transaction fees.[10]

The Exchange believes that proposed increase in the Non-Priority Customer route-out fees is an equitable allocation and is not unfairly discriminatory because the Exchange will apply the same fee to all similarly situated members. The Exchange believes it is equitable and not unfairly discriminatory to increase the route-out fees for all market participants other than Priority Customers [11] because the Exchange seeks to encourage Priority Customer order flow and the liquidity that such order flow brings to the marketplace, which in turn benefits all market participants.

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 particular, the proposed increase to the route-out fees will apply equally to all Non-Priority Customer orders that are routed to away exchanges in connection with the Plan, and will help offset costs associated with routing orders via the Plan. Furthermore as noted above, the Exchange believes that its proposed fees remain competitive with another options exchange.

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 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,[12] and Rule 19b–4(f)(2) [13] 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–GEMX–2018–20 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–GEMX–2018–20. 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–GEMX–2018–20 and

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4) and (5).

[10] For example, CBOE C2 Exchange, Inc. (''C2'') charges $1.63 per routed contract for non-public customer, non-C2 market-maker orders in non-penny classes. *See* C2 Fees Schedule, Section 1.A (Transaction Fees) and Section 2 (Linkage Routing).

[11] A ''Priority Customer'' is a person or entity that is not a broker/dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s), as defined in Nasdaq GEMX Rule 100(a)(37A).

[12] 15 U.S.C. 78s(b)(3)(A)(ii).

[13] 17 CFR 240.19b–4(f)(2).

should be submitted on or before July 11, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–13170 Filed 6–19–18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83432; File No. SR–NYSE–2018–26]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 1, To Amend Pillar Trading Platform Rule 7.31 Relating to Reserve Orders and Rule 7.36 Relating to Setter Priority

June 14, 2018.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on June 1, 2018, New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change. On June 8, 2018, the Exchange filed Amendment No. 1 to the proposed rule change, as described in Items I, II, and III below, which Items have been prepared by the Exchange.[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 Pillar trading platform Rule 7.31 relating to Reserve Orders and Rule 7.36 relating to Setter Priority. This Amendment No. 1 supersedes the original filing in its entirety. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 7.31 relating to Reserve Orders and Rule 7.36 relating to Setter Priority. These proposed changes would be operative for trading on the Pillar trading platform only. Because the Exchange trades only UTP Securities[5] on the Pillar trading platform at this time, these proposed changes would not be applicable to NYSE-listed securities.

Background

Rule 7.31(d)(1) defines a Reserve Order as a Limit Order with a quantity of the size displayed and with a reserve quantity of the size (''reserve interest'') that is not displayed. The displayed quantity of a Reserve Order is ranked Priority 2—Display Orders and the reserve interest is ranked Priority 3—Non-Display Orders.[6] Rule 7.31(d)(1)(A) provides that on entry, the display quantity of a Reserve Order must be entered in round lots and the displayed portion of a Reserve Order will be replenished following any execution. That rule further provides that the Exchange will display the full size of the Reserve Order when the unfilled quantity is less than the minimum display size for the order. Rule 7.31(d)(1)(B) provides that each time a Reserve Order is replenished from reserve interest, a new working time is assigned to the replenished quantity of the Reserve Order, while the reserve interest retains the working time of original order entry. Pursuant to Rule 7.31(d)(1)(C), a Reserve Order must be designated Day and may be combined with a Limit Non-Routable Order or a Primary Pegged Order.

Rule 7.36(h) provides that Setter Priority will be assigned to an order ranked Priority 2—Display Orders with a display quantity of at least a round lot if such order (i) establishes a new BBO and (ii) either establishes a new NBBO or joins an Away Market NBBO and that only one order is eligible for Setter Priority at each price.[7] Rule 7.36(h)(1) provides that an order will be evaluated for Setter Priority on arrival, which includes when any portion of an order that has routed returns unexecuted and when it becomes eligible to trade for the first time upon transitioning to a new trading session.

Proposed Rule Change to Reserve Orders

The Exchange proposes to amend Rule 7.31(d)(1) to change the manner by which the display portion of a Reserve Order would be replenished. As proposed, rather than replenishing the display quantity following any execution, the Exchange proposes to replenish the Reserve Order when the display quantity is decremented to below a round lot. This proposed functionality is consistent with how Reserve Orders are replenished on other equity exchanges.[8]

As is currently the case, the replenish quantity would be the minimum display size of the order or the remaining quantity of reserve interest if it is less than the minimum display quantity. To reflect this functionality, the Exchange proposes that Rule 7.31(d)(1)(A) would be amended as follows (deleted text bracketed; new text underlined):

(A) On entry, the display quantity of a Reserve Order must be entered in round lots. The displayed portion of a Reserve Order will be replenished *when the display quantity is decremented to below a round lot. The replenish quantity will be the minimum display quantity of the order or the remaining quantity of the reserve interest if it is less than the minimum display quantity* [following any execution. The Exchange will display the full size of the Reserve Order when the unfilled quantity is less than the minimum display size for the order].

Under current functionality, because the replenished quantity is assigned a new working time, it is feasible for a single Reserve Order to have multiple

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] Amendment No. 1 replaces and supersedes the original filing in its entirety. In Amendment No. 1, the Exchange modified the definition of ''child order'' in proposed rule 7.31.

[5] The term ''UTP Securities'' is defined in Rule 1.1 to mean a security that is listed on a national securities exchange other than the Exchange and that trades on the Exchange pursuant to unlisted trading privileges.

[6] The terms ''Priority 2—Display Orders'' and ''Priority 3—Non-Display Orders'' are defined in Rule 7.36(e).

[7] The terms ''BBO,'' ''NBBO,'' ''PBBO,'' and ''Away Market'' are defined in Rule 1.1.

[8] *See, e.g.,* Cboe BZX Exchange, Inc. (''BZX'') Rule 11.9(c)(1); Nasdaq Stock Market LLC (''Nasdaq'') Rule 7503(h).

replenished quantities with separate working times, each, a ''child'' order. The proposed change to limit when a Reserve Order would be replenished to when the display quantity is decremented to below a round lot only would reduce the number of child orders for a Reserve Order. The Exchange believes that minimizing the number of child orders for a Reserve Order would reduce the potential for market participants to detect that a child order displayed on the Exchange's proprietary market data feeds is associated with a Reserve Order.

In most cases, the maximum number of child orders for a Reserve Order would be two. For example, assume a Reserve Order to buy has a display quantity of 100 shares and an additional 200 shares of reserve interest. A sell order of 50 shares would trade with the display quantity of such Reserve Order, which would decrement the display quantity to 50 shares. As proposed, the Exchange would then replenish the Reserve Order with 100 shares from the reserve interest, *i.e.,* the minimum display size for the order. After this second replenishment, the Reserve Order would have two child orders, one for 50 shares, the other for 100 shares, each with different working times.

Generally, when there are two child orders, the older child order of less than a round lot will be executed before the second child order. However, there are limited circumstances when a Reserve Order could have two child orders that equal less than a round lot, which, as proposed, would trigger a replenishment. For such circumstance, the Exchange proposes that when a Reserve Order is replenished from reserve interest and already has two child orders that equal less than a round lot, the child order with the later working time would be reassigned the new working time assigned to the next replenished quantity.

For example, taking the same Reserve Order as above:

- If 100 shares of such order (''A'') are routed on arrival, it would have a display quantity of 100 shares (''B'') and 100 shares in reserve interest.
- While ''A'' is routed, a sell order of 50 shares would trade with ''B,'' decrementing ''B'' to 50 shares and the Reserve Order would be replenished from reserve interest, creating a second child order ''C'' of 100 shares.
- Next, the Exchange receives a request to reduce the size of the Reserve Order from 300 shares to 230 shares. Because ''A'' is still routed away and there is no reserve interest, and as described in more detail below, this 70 share reduction in size would be applied against the most recent child order of ''C,'' which would be reduced to 30 shares. Together with ''B,'' which would still be 50 shares, the two displayed child orders would equal less than a round lot, but with no quantity in reserve interest.
- Next, ''A'' is returned unexecuted, and as described below, becomes reserve interest and is evaluated for replenishment. Because the total display quantity (''B'' + ''C'') is less than a round lot, this Reserve Order would be replenished. But because the Reserve Order already has two child orders, the child order with the later working time, ''C,'' would be returned to the reserve interest, which would now have a quantity of 130 shares (''C'' + ''A''), and the Reserve Order would be replenished with 100 shares from the reserve interest with a new working time, which would be a new child order ''D.''
- After this replenishment, this Reserve Order would have two child orders of ''B'' for 50 shares and ''D'' for 100 shares, and a reserve interest of 30 shares.

To effect these changes, the Exchange proposes to amend current Rule 7.31(d)(1)(B) to specify that each display quantity of a Reserve Order with a different working time would be referred to as a child order. The Exchange further proposes new Rule 7.31(d)(1)(B)(i) that would provide that when a Reserve Order is replenished from reserve interest and already has two child orders that equal less than a round lot, the child order with the later working time would rejoin the reserve interest and be assigned the new working time assigned to the next replenished quantity.

The Exchange also proposes new Rule 7.31(d)(1)(B)(ii) to provide that if a Reserve Order is not routable (*i.e.,* is combined with either a Limit Non-Routable Order or a Primary Pegged Order), the replenish quantity would be assigned a display and working price consistent with the instructions for the order, which represents current functionality. For example, for a Limit Non-Routable Reserve Order, if the display price would lock or cross the contra-side PBBO, the replenished quantity would be assigned a display price one MPV worse than the PBBO and a working price equal to the contra-side PBBO, as provided for in Rule 7.31(e)(1)(A)(i). The Exchange believes that this proposed rule text would provide transparency and clarity to Exchange rules.

For a Primary Pegged Reserve Order, the Exchange proposes that the replenished quantity would follow Rule 7.31(h)(2)(B), which provides that a Primary Pegged Order would be rejected if the PBBO is locked or crossed. Because a Primary Pegged Reserve Order would have resting reserve interest, the Exchange proposes to amend Rule 7.31(h)(2)(B) to provide that if the PBBO is locked or crossed when the display quantity of a Primary Pegged Reserve Order is replenished, the entire order would be cancelled. The Exchange believes that cancelling the entire order is consistent with the current rule that provides that the entire order would be rejected on arrival if the display quantity would lock or cross the PBBO.

The Exchange further proposes to add new subsection (D) to Rule 7.31(d)(1) to describe when a Reserve Order would be routed. As proposed, a routable Reserve Order would be evaluated for routing both on arrival and each time the display quantity is replenished.

Proposed Rule 7.31(d)(1)(D)(i) would provide that if routing is required, the Exchange would route from reserve interest before publishing the display quantity. In addition, if after routing, there is less than a round lot available to display, the Exchange would wait until the routed quantity returns (executed or unexecuted) before publishing the display quantity. In the example described above, the Exchange would have published the display quantity before the routed quantity returned because the display quantity was at least a round lot. If, however, 250 shares of a Reserve Order of 300 shares had been routed on arrival, because the unrouted quantity was less than a round lot (50 shares), the Exchange would wait for the routed quantity to return, either executed or unexecuted, before publishing the display quantity.

The Exchange proposes this functionality to reduce the possibility for a Reserve Order to have more than one child order. If the Exchange did not wait, and instead displayed the 50 shares when the balance of the Reserve Order has routed, if the 250 shares returns unexecuted, such Reserve Order would be replenished and would have two child orders—one for the 50 shares that was displayed when the order was entered and a second for the 100 shares that replenished the Reserve Order from the quantity that returned unexecuted. By contrast, by waiting for a report on the routed quantity, if the routed quantity was not executed, the Exchange would display the minimum display quantity as a single child order. If the routed quantity was executed, the Exchange would display the 50 shares, but only because that would be the full remaining quantity of the Reserve Order.

Proposed Rule 7.31(d)(1)(D)(ii) would provide that any quantity of a Reserve Order that is returned unexecuted would join the working time of the reserve interest, which is current functionality. If there is no quantity of reserve interest to join, the returned quantity would be assigned a new working time as reserve interest. As further proposed, in either case, such reserve interest would replenish the display quantity as provided for in Rules 7.31(d)(1)(A) and (B). The Exchange believes that this proposed rule text would promote transparency and clarity in Exchange rules. The Exchange further believes it is appropriate for a returned quantity of a Reserve Order to join the reserve interest first because the order may not be eligible for a replenishment to the display quantity.

Proposed Rule 7.31(d)(1)(E) would provide that a request to reduce in size a Reserve Order would cancel the reserve interest before canceling the display quantity and if there is more than one child order, the child order with the later working time would be cancelled first. This represents current functionality and the example set forth above demonstrates how this would function. The Exchange believes that canceling reserve interest before a child order would promote the display of liquidity on an exchange. The Exchange further believes that canceling a later-timed child order would respect the time priority of the first child order, and any priority such child order may have for allocations.

Proposed Rule Change for Setter Priority

The Exchange also proposes to expand the opportunity for an order to be eligible for Setter Priority pursuant to Rule 7.36(h)(1). As noted above, currently, an order is eligible for Setter Priority on arrival or when it becomes eligible to trade for the first time when transitioning to a new trading session.

The Exchange first proposes to amend Rule 7.36(h)(1) to specify that an order would not be eligible for Setter Priority if there is an odd-lot sized order with Setter Priority at that price, which is current functionality. Because an odd-lot order cannot establish a BBO, if there is an odd-lot order at a price, an arriving order can get Setter Priority if it establishes the BBO and either joins or establishes the NBBO. However, as set forth in Rule 7.36(h)(2)(A), an order retains Setter Priority if it is decremented to below a round lot. In such case, an arriving order that establishes the BBO and either joins or establishes the NBBO would not be eligible for Setter Priority if there is an odd-lot sized order at that price with Setter Priority. The Exchange believes that the proposed rule text would promote transparency and clarity in Exchange rules.

The Exchange proposes in new Rule 7.36(h)(1)(C) that Setter Priority would be evaluated for a resting order that is assigned a new display price. A resting order could be assigned a new display price for a number of reasons, including because of a change to the PBBO or NBBO (as described in Rule 7.31), pursuant to Rule 7.11(a)(5), or if a Short Sale Period is triggered for a security under Rule 7.16(f). In any repricing scenario, the repriced order would be evaluated for Setter Priority, meaning it would have to meet the requirements of Rule 7.36(h) that it has a display quantity of at least a round lot and (i) establishes a new BBO and (ii) either establishes a new NBBO or joins an Away Market NBBO. The Exchange believes that if a repriced resting order meets these conditions, it has aggressively displayed liquidity on the Exchange and should be eligible for the additional Setter Priority allocation.

The Exchange proposes to specify what would happen if multiple orders reprice at the same time. As proposed in the second sentence to new Rule 7.36(h)(1)(C), if multiple orders reprice at the same time, none of the orders would be eligible for Setter Priority unless one order is equal to or greater than a round lot and the sum of all other orders at that price is less than a round lot. The other orders at that price could have been resting orders, *e.g.,* odd-lot sized displayed orders, or other repriced orders, or both. The Exchange believes that this proposed change is consistent with how the Exchange evaluates Setter Priority on arrival, which is available for an incoming order of at least a round-lot size that establishes the BBO and either joins or establishes the NBBO, notwithstanding other orders at that price that equal less than a round lot and do not already have Setter Priority.

The Exchange also proposes in new Rule 7.36(h)(1)(D) that a Reserve Order would be evaluated for Setter Priority when the display quantity is replenished. The Exchange proposes this change in conjunction with the proposed changes to Reserve Order replenishment, described above. Because a Reserve Order would be replenished only if the display quantity is decremented to below a round lot, the Exchange believes that a replenishment event should be eligible for Setter Priority if it both establishes a BBO and either joins or establishes the NBBO. If the second child order meets those conditions, such child order would be eligible for Setter Priority even if there is still the first child order of an odd-lot size for such Reserve Order on the Exchange Book. However, consistent with the proposed change to Rule 7.36(h)(1), if the first child order of the Reserve Order had Setter Priority, the second child order of the Reserve Order would not be eligible for Setter Priority because there is already an order on the Exchange Book at that price with Setter Priority.

The second sentence of proposed Rule 7.36(h)(1)(D) would further provide that during a Short Sale Period under Rule 7.16(f), if a short sale Reserve Order has an odd-lot quantity with Setter Priority and the Permitted Price at which such order would be replenished would be a different price, the replenish quantity would not be eligible for Setter Priority. As set forth in Rule 7.16(f)(5)(B), reserve interest that replenishes the displayed quantity of a Reserve Order will be replenished at a Permitted Price. Even though the second child order would be at a different price and would otherwise meet the conditions for Setter Priority, the Exchange believes that a Reserve Order should not be eligible for Setter Priority at more than one price.

For example, during a Short Sale Period,

- If the NBB is 10.00, a short sale Reserve Order priced at 10.01 would be displayed at 10.01. If that short sale Reserve Order established the BO and either joined or established the NBO, it would be assigned Setter Priority.
- If the NBB subsequently changes to 10.01, pursuant to Rule 7.16(f)(6), the display quantity of the Reserve Order would remain displayed at 10.01, but the reserve interest would be repriced to the Permitted Price of 10.02.
- If next, the display quantity at 10.01 is reduced to below a round lot, such child order would retain Setter Priority. In addition, the Reserve Order would be replenished at 10.02, which is the Permitted Price. However, as proposed, even if the child order at 10.02 would establish a new BO and either joined or established a new NBO, because it is part of the same Reserve Order, it would not be eligible to Setter Priority at the Permitted Price.

Finally, the Exchange proposes to amend Rule 7.36(h)(3)(C), which provides that an order loses its Setter Priority if such order is less than a round lot and is assigned a new working time pursuant to Rule 7.38(d)(2). To reflect the proposed change to Reserve Orders described above that a child order could be assigned a new working time, the Exchange proposes that if child order of a Reserve Order with Setter Priority is assigned a new

working time, it would lose that priority. However, when it joins the reserve interest and replenishes the Reserve Order, pursuant to proposed Rule 7.36(h)(1)(D), the new child order would be evaluated for Setter Priority. For example:

- If the Away Market PBB is 10.05 and the Exchange receives a Reserve Order to buy priced at 10.00 with 100 shares minimum display quantity and an additional 1000 shares in reserve interest, the child order ''A'' of 100 shares would be displayed at 10.00, but would not be eligible for Setter Priority.
- If the Away Market PBB adjusts to 9.99 and the Exchange receives a sell order with a limit price of 10.00 for 70 shares, ''A'' would be decremented to 30 shares and the Reserve Order would be replenished with a new child order ''B'' for 100 shares. Because ''B'' would establish a new BB on the Exchange and a new NBB, it would be assigned Setter Priority.
- If next, the Exchange receives an order to sell 90 shares at 10.00, because ''B'' has Setter Priority, it would trade with the new order to sell and would decremented to 10 shares, but still retain Setter Priority.
- Because ''A'' and ''B'' equal less than a round lot, the Reserve Order will be replenished. But because ''B'' would lose its working time and join the reserve interest pursuant to proposed Rule 7.31(d)(1)(B), ''B'' would also lose its Setter Priority pursuant to proposed Rule 7.36(h)(3)(C). A new child order ''C'' would replenish the order for 100 shares.
- In this case, because ''C'' would again establish the BB on the Exchange and the NBB, ''C'' would be assigned Setter Priority for 100 shares.

Finally, the Exchange proposes to amend Rule 7.36(h)(4) to delete sub-paragraph (B) of that Rule, which provides that Setter Priority is not available when the reserve quantity replenishes the display quantity of a Reserve Order. The Exchange proposes to re-number the rule text so that Rule 7.36(h)(4) provides that Setter Priority is not available for any portion of an order that is ranked Priority 3—Non-Display Orders, which is currently set forth in sub-paragraph (A).

* * * * *

Because of the technology changes associated with this proposed rule change, the Exchange will announce by Trader Update when these changes will be implemented.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[9] in general, and furthers the objectives of Section 6(b)(5),[10] in particular, 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 the proposed rule change to replenish a Reserve Order only if the display quantity is decremented to below a round lot would remove impediments to and perfect the mechanism of a free and open market and a national market system because it would reduce the number of child orders associated with a single Reserve Order. By reducing the number of child orders, the Exchange believes it would reduce the potential for market participants to detect that a child order is associated with a Reserve Order. This proposed functionality is also consistent with how Reserve Orders function on BZX and Nasdaq.

For similar reasons, the Exchange believes that if a Reserve Order has two child orders that equal less than a round lot, it would remove impediments to and perfect the mechanism of a free and open market and a national market system to assign a new working time to the later child order so that when such Reserve Order is replenished, it would have a maximum of only two child orders. The Exchange believes that this proposed change would streamline the operation of Reserve Orders and meet the objective to reduce the potential for market participants to be able to identify that a child order is associated with a Reserve Order.

The Exchange further believes that the proposed rule change to evaluate a Reserve Order for routing both on arrival and when replenishing would remove impediments to and perfect the mechanism of a free and open market and a national market system because it would reduce the potential for the display quantity of a Reserve Order to lock or cross the PBBO of an away market. The Exchange further believes that routing from reserve interest would promote the display of liquidity on the Exchange, because if there is at least a round lot remaining of a Reserve Order that is not routed, the Exchange would display that quantity. The Exchange also believes that it would remove impediments to and perfect the mechanism of a free and open market and a national market system to wait to display a Reserve Order if there is less than a round lot remaining after routing because it would reduce the potential for such Reserve Order to have more than one child order. Finally, the Exchange believes that joining any quantity of a Reserve Order that is returned unexecuted with reserve interest first would be consistent with the proposed replenishment logic that a Reserve Order would be replenished only if the display quantity is decremented to below a round lot.

The Exchange believes that it would remove impediments to and perfect the mechanism of a free and open market and a national market system to apply a request to reduce in size a Reserve Order to the reserve interest first, and then next to the child order with the later working time, because such functionality would promote the display of liquidity on the Exchange and honor the priority of the first child order with the earlier working time. The Exchange believes that including this existing functionality in Rule 7.31 would promote transparency and clarity in Exchange rules.

The Exchange believes that the proposed change to Primary Pegged Reserve Orders would remove impediments to and perfect the mechanism of a free and open market and a national market system because similar to how a Primary Pegged Order would function on arrival, if the replenish quantity of a Primary Pegged Reserve Order would lock or cross the PBBO, the entire Reserve Order would be cancelled. The Exchange believes that by cancelling the entire order, the Exchange would reduce the potential for such order to be displayed at a price that would lock or cross the PBBO.

The Exchange believes that the proposed changes to Rule 7.36 relating to Setter Priority would remove impediments to and perfect the mechanism of a free and open market and a national market system because it would provide for additional circumstances when an order would be eligible to be evaluated for Setter Priority. The Exchange believes that a resting order that is repriced or a Reserve Order that is replenished should be entitled to Setter Priority if it meets the existing conditions for Setter Priority, including that it is at least a round lot in size, establishes the BBO, and either establishes or joins the NBBO. In these circumstances, a repriced order or replenished Reserve Order would be promoting the aggressive display of liquidity on the

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

Exchange, which would benefit all market participants.

The Exchange believes that the proposed changes to Setter Priority are designed to operate consistently with the existing functionality, which is why multiple orders that reprice would not be eligible for Setter Priority, unless one order is equal to a round lot or more and the sum of all other orders at that price equal less than a round lot. Similarly, the Exchange believes that it would remove impediments to and perfect the mechanism of a free and open market and a national market system for a Reserve Order to be eligible for Setter Priority at only one price, and therefore, during a Short Sale Period, if a Reserve Order is replenished at a Permitted Price, it would not be eligible for Setter Priority at a second price level.

Finally, the Exchange believes that the proposed amendment to Rule 7.37(h)(3)(C) to add that an order would lose Setter Priority if it is less than a round lot and assigned a new working time pursuant to proposed Rule 7.31(d)(1)(B)(i) is consistent with current behavior that an odd-lot sized order would lose Setter Priority if it is assigned a new working time. The Exchange believes that it would remove impediments to and perfect the mechanism of a free and open market and a national market system for a Reserve Order to lose Setter Priority in such circumstances because when it is assigned a new working time, it would be eligible to be reevaluated for Setter Priority.

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 proposed rule change is not designed to address any competitive issues. Rather, the proposed rule change to Reserve Orders is designed to reduce the potential for market participants to identify that a child order is related to a Reserve Order. The changes to Setter Priority are designed to promote the aggressive display of liquidity on the Exchange to provide additional circumstances when an order would be eligible for Setter Priority, consistent with current rules.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2018–26 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–NYSE–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–NYSE–2018–26 and should be submitted on or before July 11, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–13162 Filed 6–19–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83446; File No. SR–ISE–2018–52]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Increase Certain Route-Out Fees Set Forth in Section IV.F of the Schedule of Fees

June 14, 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 1, 2018, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to increase certain route-out fees set forth in Section IV.F of the 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.

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to increase certain route-out fees set forth in Section IV.F of the Schedule of Fees. Today, the Exchange charges Non-Priority Customers (*i.e.,* Market Maker,[3] Non-Nasdaq ISE Market Maker,[4] Firm Proprietary [5]/Broker-Dealer,[6] and Professional Customer [7]) route-out fees of $0.95 per contract for orders in Non-Select Symbols [8] that are routed to away exchanges in connection with the Options Order Protection and Locked/Crossed Market Plan (the ''Plan''). The Exchange now proposes to increase this fee to $1.09 per contract for all Non-Priority Customer orders in Non-Select Symbols that are routed to away exchanges in connection with the Plan. The Exchange believes that the proposed increase will help offset the costs associated with routing orders through the Plan, such as paying the transaction fees for such executions at other exchanges.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[10] 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 Exchange believes that proposed increase in the Non-Priority Customer route-out fees from $0.95 to $1.09 per contract for orders in Non-Select Symbols is reasonable because it is designed to help recoup costs associated with routing orders to away exchanges in connection with the Plan, such as paying the transaction fees for such executions at other exchanges. Furthermore, the Exchange notes that the proposed fees remain competitive with the fees of other options exchanges which, in addition to a fixed routing fee, assess the actual transaction fees.[11]

The Exchange believes that proposed increase in the Non-Priority Customer route-out fees is an equitable allocation and is not unfairly discriminatory because the Exchange will apply the same fee to all similarly situated members. The Exchange believes it is equitable and not unfairly discriminatory to increase the route-out fees for all market participants other than Priority Customers [12] because the Exchange seeks to encourage Priority Customer order flow and the liquidity that such order flow brings to the marketplace, which in turn benefits all market participants.

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 particular, the proposed increase to the route-out fees will apply equally to all Non-Priority Customer orders that are routed to away exchanges in connection with the Plan, and will help offset costs associated with routing orders via the Plan. Furthermore as noted above, the Exchange believes that its proposed fees remain competitive with another options exchange.

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 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,[13] and Rule 19b–4(f)(2) [14] 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,

[3] The term ''Market Makers'' refers to ''Competitive Market Makers'' and ''Primary Market Makers'' collectively. *See* Rule 100(a)(28).

[4] A ''Non-Nasdaq ISE Market Maker'' is a market maker as defined in Section 3(a)(38) of the Securities Exchange Act of 1934, as amended, registered in the same options class on another options exchange.

[5] A ''Firm Proprietary'' order is an order submitted by a member for its own proprietary account.

[6] A ''Broker-Dealer'' order is an order submitted by a member for a broker-dealer account that is not its own proprietary account.

[7] A ''Professional Customer'' is a person or entity that is not a broker/dealer and is not a Priority Customer.

[8] ''Non-Select Symbols'' are options overlying all symbols that are not in the Penny Pilot Program.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4) and (5).

[11] For example, CBOE C2 Exchange, Inc. (''C2'') charges $1.63 per routed contract for non-public customer, non-C2 market-maker orders in non-penny classes. *See* C2 Fees Schedule, Section 1.A (Transaction Fees) and Section 2 (Linkage Routing).

[12] A ''Priority Customer'' is a person or entity that is not a broker/dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s), as defined in Nasdaq ISE Rule 100(a)(37A).

[13] 15 U.S.C. 78s(b)(3)(A)(ii).

[14] 17 CFR 240.19b–4(f)(2).

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–2018–52 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–2018–52. 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–2018–52 and should be submitted on or before July 11, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–13171 Filed 6–19–18; 8:45 am]

BILLING CODE 8011–01–P

[15] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 10448]

Privacy Act of 1974; System of Records

AGENCY: Department of State.

ACTION: Notice of a modified System of Records.

SUMMARY: Information in the Legal Adviser's Case Management Records is used to provide or facilitate the provision of legal advice and opinion to the offices of the Department of State and to facilitate defense or representation of the Department in litigation and in other legal proceedings. Information may also be used to reply to requests from federal, state, local, or international courts, agencies, commissions, organizations, or mechanisms.

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), this system of records notice is effective upon publication, with the exception of the routine uses (c), (e), (g), (h) and (k), which are subject to a 30-day period during which interested persons may submit comments to the Department. Please submit any comments by July 20, 2018.

ADDRESSES: Questions can be submitted by mail or email. If mail, please write to: U.S Department of State; Office of Global Information Systems, Privacy Staff; A/GIS/PRV; SA–2, Suite 8100; Washington, DC 20522–0208. If email, please address the email to the Senior Agency Official for Privacy, Mary R. Avery, at *Privacy@state.gov.* Please write ''Legal Case Management Records, State-21'' on the envelope or the subject line of your email.

FOR FURTHER INFORMATION CONTACT: Mary R. Avery, Senior Agency Official for Privacy; U.S. Department of State; Office of Global Information Services, A/GIS/PRV; SA–2, Suite 8100; Washington, DC 20522–0208 or at (202)663–2215.

SUPPLEMENTARY INFORMATION: The purpose of this modification is to make substantive and administrative changes to the previously published notice. This notice modifies the following sections of State-21, Legal Case Management Records: Categories of Individuals, Categories of Records, Purpose, Routine Uses, and Record Source Categories. In addition, this notice makes administrative updates to the following sections: Safeguards, Record Access Procedures, Contesting Record Procedures, Notification Procedures, and History. These changes reflect new OMB guidance, additional types of records, additional routine uses of records, updated contact information, and a notice publication history.

SYSTEM NAME AND NUMBER

Legal Case Management Records, State-21.

SECURITY CLASSIFICATION:

Unclassified and Classified.

SYSTEM LOCATION:

Department of State (''Department''), located at 2201 C Street NW, Washington, DC 20520; Department of State annexes, U.S. Embassies, U.S. Consulates General, and U.S. Consulates.

SYSTEM MANAGER(S):

Executive Director, Office of the Legal Adviser and Bureau of Legislative Affairs, Department of State, 600 19th Street NW, Suite 5.600, Washington, DC 20522 and can be reached at *Legal-privacy@state.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 22 U.S.C. 2651*a;* 22 U.S.C. 2656; 42 U.S.C. 659; 42 U.S.C. 666; 5 CFR part 581.

PURPOSE(S) OF THE SYSTEM:

Information in the Legal Adviser's Case Management Records is used to provide or facilitate the provision of legal advice and opinion to the offices of the Department of State and to facilitate defense or representation of the Department in litigation and in other legal proceedings. Information may also be used to reply to requests from federal, state, local, or international courts, agencies, commissions, organizations, or mechanisms.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed or are the subject of administrative grievances or proceedings and Equal Employment Opportunity complaints; individuals involved in disciplinary proceedings; individuals involved in alleged criminal activity or activity in violation of regulations; individuals who have filed claims against the United States; individuals who have sued the Department of State or any officials; individuals whose records may be relevant to legal proceedings involving the Department of State; individuals who are the subjects of inquiries from federal, state, and local agencies; individuals who are the subjects of inquiries by international commissions, organizations, or mechanisms; individuals who are the subjects of income withholding orders, garnishment orders, bankruptcy orders,

state tax liens, and similar court or agency documents; individuals who have raised or discussed legal or policy questions with the Office of the Legal Adviser; and individuals who have otherwise contacted the Office of the Legal Adviser. The Privacy Act defines an individual at 5 U.S.C. 552a(a)(2) as a United States citizen or lawful permanent resident.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographic information, such as name, contact information, and place of birth; employment histories; summaries of circumstances surrounding grievances, Equal Employment Opportunity complaints, claims, litigation, or disciplinary proceedings; internal memoranda; copies of indictments and charges; criminal records and reports of investigations; civil and administrative court records; emails; electronic records in various formats; supporting documentation for a case against or involving the Department, an individual or group; contracts and other legal documents; income withholding orders, garnishment orders, bankruptcy orders, state tax liens, and similar court or agency documents; inquiries from federal, state, and local agencies, and responses to those inquiries; inquiries from international commissions, organizations or mechanisms, and responses to those inquiries; documents that may be relevant to or obtained in the course of legal proceedings and investigations; correspondence related to legal or policy issues, regardless of format (paper or electronic).

RECORD SOURCE CATEGORIES:

These records contain information that is primarily obtained from the individual; offices of the Department of State; other government agencies, particularly the Department of Justice; court systems and administrative bodies; international commissions, organizations, and other mechanisms; previous employers; neighbors; security investigation reports; other employees or individuals having knowledge of the issue about which a legal opinion is requested or who are party to litigation or investigation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Legal Case Management Records may be disclosed to:

(a) The Department of Justice and other federal agencies in connection with facilitating defense of the Department in legal proceedings and analyzing legal issues;

(b) Federal, state, and foreign courts, tribunals, and adjudicatory bodies where relevant and necessary to legal proceedings;

(c) International courts, tribunals, commissions, organizations, and mechanisms where relevant and necessary to proceedings or inquiries;

(d) A party to a legal proceeding involving the Department, or the party's attorney or other designated representative where relevant and necessary to legal proceedings;

(e) A source, witness or subject, or an attorney or other designated representative of any source, witness or subject where relevant and necessary to legal proceedings;

(f) Federal agencies having statutory or other lawful authority to maintain such information where relevant and necessary to fulfill statutory responsibilities;

(g) Appropriate agencies, entities, and persons when (1) the Department of State suspects or has confirmed that there has been a breach of the system of records; (2) the Department of State has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of State (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of State efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm;

(h) Another Federal agency or Federal entity, when the Department of State determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach;

(i) The Department may respond to federal, state, and local agency inquiries related to child support, alimony, bankruptcy, state tax lien, or similar issues;

(j) Pursuant to a court or agency order, the Department may disclose relevant information to private collection agencies, law firms and/or other individuals authorized to receive benefits under such order; and

(k) The Department may also publish certain information from this system of records in a Department-published annual digest and through other Department-controlled media when the Department reasonably believes that such publication will inform the public about its practice of international law. This may include, but is not limited to, information about cases, proceedings, and inquiries in which the Department participates or is involved.

The Department of State periodically publishes in the **Federal Register** its standard routine uses which apply to all of its Privacy Act systems of records. These notices appear in the form of a Prefatory Statement (published in Volume 73, Number 136, Public Notice 6290, on July 15, 2008). All of these standard routine uses apply to Legal Case Management Records, State-21.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records will be stored in both hard copy and electronic media. A description of standard Department of State policies concerning storage of electronic records is found in the Department's Foreign Affairs Manual (*https://fam.state.gov/FAM/05FAM/05FAM0440.html*). All hard copies of records containing personal information are maintained in secured file cabinets in restricted areas, access to which is limited to authorized personnel only.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Hardcopy by name, date, country, and/or subject; electronic by keyword or metadata.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records maintained in this system of records are generally permanent and are retired to the Records Service Center one year after the close of the case. These records are retired and destroyed in accordance with published Department of State Records Disposition Schedules as approved by the National Archives and Records Administration (NARA), and a complete list of the Department's schedules can be found on our Freedom of Information Act (FOIA) program's website (*https://foia.state.gov/Learn/RecordsDisposition.aspx*). More specific information may be obtained by writing to the following address: Director, Office of Information Programs and Services, A/GIS/IPS; SA–2, Department of State; 515 22nd Street NW; Washington, DC 20522–8100.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

All users are given cyber security awareness training that covers the procedures for handling Sensitive but

Unclassified information, including personally identifiable information (PII). Annual refresher training is mandatory. In addition, all Foreign Service and Civil Service employees and those Locally Engaged Staff who handle PII are required to take the Foreign Service Institute distance learning course instructing employees on privacy and security requirements, including the rules of behavior for handling PII and the potential consequences if it is handled improperly.

Access to the Department of State, its annexes and posts abroad is controlled by security guards and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. While the majority of records covered in the Legal Case Management Records are electronic, all paper records containing personal information are maintained in secured file cabinets in restricted areas, access to which is limited to authorized personnel. Access to computerized files is password-protected and under the direct supervision of the system manager. The system manager has the capability of printing audit trails of access from the computer media, thereby permitting regular and ad hoc monitoring of computer usage. When it is determined that a user no longer needs access, the user account is disabled.

Before being granted access to Legal Case Management Records, a user must first be granted access to the Department of State computer system. Remote access to the Department of State network from non-Department owned systems is authorized only through a Department approved access program. Remote access to the network is configured with the authentication requirements contained in the Office of Management and Budget Circular Memorandum A–130. All Department of State employees and contractors with authorized access have undergone a background security investigation.

RECORD ACCESS PROCEDURES:

Individuals who wish to gain access to or to amend records pertaining to themselves should write to U.S. Department of State; Director, Office of Information Programs and Services; A/GIS/IPS; SA–2, Suite 8100; Washington, DC 20522–0208. The individual must specify that he or she wishes the Legal Case Management Records to be checked. At a minimum, the individual must include: Full name (including maiden name, if appropriate) and any other names used; current mailing address and zip code; date and place of birth; notarized signature or statement under penalty of perjury; a brief description of the circumstances that caused the creation of the record (including the city and/or country and the approximate dates) which gives the individual cause to believe that the Legal Case Management Records include records pertaining to him or her. Detailed instructions on Department of State procedures for accessing and amending records can be found at the Department's FOIA website (*https://foia.state.gov/Request/Guide.aspx*).

CONTESTING RECORD PROCEDURES:

Individuals who wish to contest records should write to U.S. Department of State; Director, Office of Information Programs and Services; A/GIS/IPS; SA–2, Suite 8100; Washington, DC 20522–0208.

NOTIFICATION PROCEDURES:

Individuals who have reason to believe that this system of records may contain information pertaining to them may write to U.S. Department of State; Director, Office of Information Programs and Services; A/GIS/IPS; SA–2, Suite 8100; Washington, DC 20522–0208. The individual must specify that he/she wishes the Legal Case Management Records to be checked. At a minimum, the individual must include: full name (including maiden name, if appropriate) and any other names used; current mailing address and zip code; date and place of birth; notarized signature or statement under penalty of perjury; a brief description of the circumstances that caused the creation of the record (including the city and/or country and the approximate dates) which gives the individual cause to believe that the Legal Case Management Records include records pertaining to him or her.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Pursuant to 5 U.S.C. 552*a*(k)(1), records in this system may be exempted from subsections (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), (f) of 552a. See 22 CFR 171.26.

HISTORY:

This SORN was previously published at 81 FR 40741.

Mary R. Avery,

Senior Agency Official for Privacy, Senior Advisor, Office of Global Information Services, Bureau of Administration, Department of State.

[FR Doc. 2018–13212 Filed 6–19–18; 8:45 am]

BILLING CODE 4710–24–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36198 (Sub-No. 1)]

New Orleans Public Belt Railroad Corporation—Trackage Rights Exemption—Illinois Central Railroad Company

On May 21, 2018, New Orleans Public Belt Railroad Corporation (NOPB Corp.) filed a verified notice of exemption in Docket No. FD 36198 for trackage rights under the class exemption at 49 CFR 1180.2(d)(7) [1] and simultaneously filed a petition in this sub-docket to partially revoke the exemption to allow the trackage rights to expire on January 31, 2020. Notice of the exemption in Docket No. FD 36198 was served and published in the **Federal Register** on June 6, 2018 (83 FR 26,337), and became effective on June 20, 2018. This decision addresses NOPB Corp.'s petition to partially revoke the exemption.

As explained by NOPB Corp. in its verified notice of exemption in Docket No. FD 36198, pursuant to a September 16, 2016 temporary trackage rights agreement and subsequent amendment, dated December 28, 2016, NOPB Corp.'s predecessor obtained temporary overhead trackage rights on approximately 6.3 miles of Illinois Central Railroad Company (IC) rail line in New Orleans, La., for the purpose of interchanging traffic with Kansas City Southern Railway Company (KCS) on KCS trackage in New Orleans on a trial basis. *See New Orleans Pub. Belt R.R.—Temp. Trackage Rights Exemption—Ill. Cent. R.R.,* FD 36067 (STB served Jan. 30, 2017); *New Orleans Pub. Belt R.R.—Temp. Trackage Rights Exemption—Ill. Cent. R.R.,* FD 36067 (STB served Oct. 14, 2016). NOPB Corp. states that it acquired its predecessor's interest in the temporary trackage rights arrangement as part of the transaction authorized in *New Orleans Public Belt Railroad—Acquisition & Operation Exemption—Public Belt Railroad Commission of New Orleans,* FD 36149 (STB served Dec. 27, 2017).

NOPB Corp. states in its petition in this sub-docket that the temporary trackage rights were scheduled to expire on January 31, 2018, but NOPB Corp. and IC entered into a second amendment to the temporary trackage rights agreement, dated January 31, 2018, which further extended the

[1] On June 1, 2018, NOPB Corp. supplemented its verified notice of exemption to certify that the traffic subject to the trackage rights does not involve an interchange commitment that limits interchange with a third-party connecting carrier. *See* NOPB Corp. Letter 1, *New Orleans Pub. Belt R.R.—Trackage Rights Exemption—Ill. Cent. R.R.,* FD 36198.

trackage rights until January 31, 2020. NOPB Corp. filed the petition to partially revoke the exemption to allow the trackage rights to expire on that date.[2] NOPB Corp. argues that granting its petition will promote the rail transportation policy, will be consistent with the limited scope of the transaction, and will not adversely affect the current competitive situation of any shipper.

Discussion and Conclusions

Although NOPB Corp. and IC have expressly agreed on the duration of the proposed trackage rights agreement, trackage rights approved under the class exemption at 49 CFR 1180.2(d)(7) typically remain effective indefinitely, regardless of any contract provisions. Occasionally, however, the Board has partially revoked a trackage rights exemption to allow those rights to expire after a limited time period rather than lasting in perpetuity. *See, e.g., Ind. R.R.—Trackage Rights Exemption—CSX Transp., Inc.,* FD 36068 (Sub-No. 1) (STB served Feb. 9, 2017); *Ind. S. R.R.—Temporary Trackage Rights Exemption—Norfolk S. Ry.,* FD 35965 (Sub-No. 1) (STB served Nov. 25, 2015).

Under 49 U.S.C. 10502, the Board may exempt a person, class of persons, or a transaction or service, in whole or in part, when it finds that: (1) Continued regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101; and (2) either the transaction or service is of limited scope, or regulation is not necessary to protect shippers from the abuse of market power.

NOPB Corp.'s trackage rights were already authorized under the class exemption at 49 CFR 1180.2(d)(7) in Docket No. FD 36198. Granting partial revocation in these circumstances would promote the rail transportation policy by eliminating the need to file a second pleading seeking discontinuance when the agreement expires, thereby promoting rail transportation policy goals at 49 U.S.C. 10101(2), (7), and (15). Moreover, limiting the term of the trackage rights is consistent with the limited scope of the transaction previously exempted.[3] Therefore, the Board will grant the petition and permit the trackage rights exempted in Docket No. FD 36198 to expire on January 31, 2020.

To provide the statutorily mandated protection to any employee adversely affected by the discontinuance of trackage rights, the Board will impose the employee protective conditions set forth in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979).

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

It is ordered:

1. The petition for partial revocation is granted.

2. Under 49 U.S.C. 10502, the trackage rights described in Docket No. FD 36198 are exempted, as discussed above, to permit the trackage rights to expire on January 31, 2020, subject to the employee protective conditions set forth in *Oregon Short Line.*

3. Notice will be published in the **Federal Register** on June 20, 2018.

4. This decision is effective on July 20, 2018. Petitions to stay must be filed by July 2, 2018. Petitions for reconsideration must be filed by July 10, 2018.

Decided: June 13, 2018.

By the Board, Board Members Begeman and Miller.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2018–13156 Filed 6–19–18; 8:45 am]

BILLING CODE 4915–01–P

[2] NOPB explains in its notice of exemption that because the extended trackage rights were to be more than a year in duration, the class exemption for temporary trackage rights under 49 CFR 1180.2(d)(8) was not available.

[3] Because the proposed transaction is of limited scope, the Board need not make a market power finding.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2018–0018]

Notice of Action and Request for Public Comment Concerning Proposed Determination of Action Pursuant to Section 301: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of action, request for comments, and notice of public hearing.

SUMMARY: The U.S. Trade Representative (Trade Representative) has determined that appropriate action in this investigation includes the imposition of an additional ad valorem duty of 25 percent on products from China classified in the subheadings of the Harmonized Tariff Schedule of the United States (HTSUS) set out in Annex A of this notice. The Trade Representative has further determined to establish a process by which U.S. stakeholders may request that particular products classified within a covered tariff subheading in Annex A be excluded from these additional duties. Further, the Office of the U.S. Trade Representative (USTR) is seeking public comment and will hold a public hearing regarding a proposed additional action in this investigation. The proposed additional action is the imposition of an ad valorem duty of 25 percent on products of China classified in the HTSUS subheadings set out in Annex C of this notice.

DATES:

Applicable date of duties: The additional duties set out in Annex A to this notice are applicable with respect to products that are entered for consumption, or withdrawn from warehouse for consumption, on or after July 6, 2018.

Comment and hearing deadline: To be assured of consideration, you must submit comments and responses with respect to the proposed list of products in Annex C to this notice in accordance with the following schedule:

June 29, 2018: Due date for filing requests to appear and a summary of expected testimony at the public hearing and for filing pre-hearing submissions.

July 23, 2018: Due date for submission of written comments.

July 24, 2018: The Section 301 Committee will convene a public hearing in the main hearing room of the U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436 beginning at 9:30 a.m.

July 31, 2018: Due date for submission of post-hearing rebuttal comments.

ADDRESSES: USTR strongly prefers electronic submissions made through the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments in sections D, E, and F below. The docket number is USTR–2018–0018.

FOR FURTHER INFORMATION CONTACT: For questions about the ongoing investigation, action, or proposed additional action, contact USTR Assistant General Counsel Arthur Tsao at (202) 395–5725. For questions on customs classification or implementation of additional duties on products identified in Annex A to this Notice, contact *Traderemedy@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

A. Proceedings in the Investigation

On August 18, 2017, the Trade Representative initiated an investigation

into the government of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation. *See* 82 FR 40213. The proceedings in the investigation up through the Trade Representative's determination that China's acts, policies, and practices are actionable under section 301(b) of the Trade Act of 1974 (19 U.S.C. 2411(b)) are set out in the notice published at 83 FR 14906 (April 6, 2018).

The April 6, 2018 notice invited public comment on a proposed action in the investigation: The imposition of an additional ad valorem duty of 25% on products from China classified in a list of 1,333 tariff subheadings. As explained in the notice, the value of the products on the list was approximately $50 billion in terms of estimated annual trade value for calendar year 2018, and the level is appropriate both in light of the estimated harm to the U.S. economy, and to obtain elimination of China's harmful acts, policies, and practices. Interested persons were invited to provide comments on the following:

- The specific products to be subject to increased duties, including whether products listed in the Annex to the April 6 notice should be retained or removed, or whether products not currently on the list should be added.
- The level of the increase, if any, in the rate of duty.
- The appropriate aggregate level of trade to be covered by additional duties.

In response to the notice of proposed action, interested persons filed approximately 3,200 written submissions. USTR and the Section 301 Committee held a three-day public hearing on May 15–17, 2018. During the hearing, 121 witnesses provided testimony and responded to questions. Interested parties also had the opportunity to provide rebuttal submissions, and approximately 295 rebuttal submissions were filed. The public submissions and a transcript of the hearing are available on *www.regulations.gov* in docket number USTR–2018–0005.

B. Determination on Appropriate Action

In the April 6, 2018 notice, the Trade Representative announced his determination that the acts, policies, and practices under investigation are unreasonable or discriminatory and burden or restrict U.S. commerce, and are thus actionable under section 301(b) of the Trade Act of 1974 (19 U.S.C. 2411(b)). Upon a determination of actionability, section 301(b) provides for the Trade Representative to take all appropriate and feasible action authorized under section 301(c) of the Trade Act of 1974 (19 U.S.C. 2411(c)), subject to the specific direction, if any, of the President regarding such action, and all other appropriate and feasible action within the power of the President that the President may direct the Trade Representative to take under section 301(b), to obtain the elimination of that act, policy, or practice.

On May 29, 2018, the President made the following statement:

''Under Section 301 of the Trade Act of 1974, the United States will impose a 25 percent tariff on $50 billion of goods imported from China containing industrially significant technology, including those related to the 'Made in China 2025' program. The final list of covered imports will be announced by June 15, 2018, and tariffs will be imposed on those imports shortly thereafter.'' *Statement on Steps to Protect Domestic Technology and Intellectual Property from China's Discriminatory and Burdensome Trade Practices* (*https://www.whitehouse.gov/briefings-statements/statement-steps-protect-domestic-technology-intellectual-property-chinas-discriminatory-burdensome-trade-practices*).

USTR and the Section 301 Committee have carefully reviewed the public comments and the testimony from the three-day public hearing. In addition, and consistent with the Presidential directive, USTR and the interagency Section 301 Committee have carefully reviewed the extent to which the tariff subheadings in the April 6, 2018 notice include products containing industrially significant technology, including technologies and products related to the ''Made in China 2025'' program. Based on this review process, the Trade Representative has determined to narrow the proposed list in the April 6, 2018 notice to 818 tariff subheadings, with an approximate annual trade value of $34 billion.

Pursuant to sections 301(b), 301(c), and 304(a) of the Trade Act of 1974 (19 U.S.C. 2411(b), 2411(c), and 2414(a)), the Trade Representative determines that appropriate and feasible action in this investigation includes the imposition of an additional ad valorem duty of 25 percent on products of China covered in the tariff subheadings listed in Annex A to this notice. Annex B to this notice contains the same list of tariff subheadings, with unofficial descriptions of the types of products covered in each subheading.

In order to implement this determination, effective July 6, 2018, subchapter III of chapter 99 of the HTSUS is modified by Annex A of this notice. Products of China that are provided for in new HTSUS heading 9903.88.01, as established by Annex A of this notice that are entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on July 6, 2018, shall be subject to an additional duty of 25 percent *ad valorem*. The rates of duty applicable to products of China that are provided for in new HTSUS heading 9903.88.01 shall apply in addition to all other applicable duties, fees, exactions, and charges.

Any product listed in Annex A, except any product that is eligible for admission under 'domestic status' as defined in 19 CFR 146.43, which is subject to the additional duty imposed by this determination, and that is admitted into a U.S. foreign trade zone on or after 12:01 a.m. eastern daylight time on July 6, 2018, only may be admitted as 'privileged foreign status' as defined in 19 CFR 146.41. Such products will be subject upon entry for consumption to any *ad valorem* rates of duty or quantitative limitations related to the classification under the applicable HTSUS subheading.

During the notice and comment process, a number of interested persons asserted that specific products within a particular tariff subheading were only available from China, that imposition of additional duties on the specific products would cause severe economic harm to a U.S. interest, and that the specific products were not strategically important or related to the ''Made in China 2025'' program. In light of such concerns, and pursuant to sections 301(b), 301(c), 304(a), and 307(a) of the Trade Act of 1974 (19 U.S.C. 2411(b), 2411(c), 2414(a), and 2417(a)), the Trade Representative has determined that USTR will establish a process by which U.S. stakeholders may request that particular products classified within an HTSUS subheading listed in Annex A be excluded from these additional duties. USTR will publish a separate notice describing the product exclusion process, including the procedures for submitting exclusion requests, and an opportunity for interested persons to submit oppositions to a request.

C. Proposed Determination on Additional Action

Based on a review of the public comments and the review of tariff subheadings that cover industrially significant technology, USTR has identified additional tariff subheadings that would be appropriate for action in the form of the imposition of an additional 25 percent ad valorem duty. The list of possible additional products

covers 284 tariff subheadings, and is set out in Annex C to this notice.

The subheadings listed in Annex C have an approximate annual trade value of $16 billion. Including these tariff subheadings in the Section 301 action would maintain the effectiveness of a $50 billion trade action. The list of products in Annex C will undergo further review in a public notice and comment process, including a hearing. After completion of this process, USTR will issue a determination on the additional products subject to additional duties.

D. Requests for Public Comments

In accordance with section 304(b) of the Trade Act (19 U.S.C. 2414(b)), USTR invites comments from interested persons with respect to the proposed additional action of imposing an additional 25 percent ad valorem duty on the products classified in the list of tariff subheadings in Annex C of this notice. To be assured of consideration, you must submit written comments on this proposed additional action in response to China's acts, policies, and practices by July 23, 2018, and post-hearing rebuttal comments by July 31, 2018.

In this second round of comments on the proposed action to be taken in the investigation, USTR requests that comments be limited to the proposed additional action of imposing additional duties on the products classified in the tariff subheadings in Annex C. In other words, USTR is inviting comments on maintaining or removing a subheading currently listed in Annex C, not on the tariff subheadings in Annex A, or any other subheading.

USTR requests that commenters address specifically whether imposing increased duties on a particular subheading listed in Annex C would be practicable or effective to obtain the elimination of China's acts, policies, and practices, and whether maintaining or imposing additional duties on a particular product listed in Annex C would cause disproportionate economic harm to U.S. interests, including small- or medium-sized businesses and consumers.

E. Hearing Participation

The Section 301 Committee will convene a public hearing in the Main Hearing Room of the U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, beginning at 9:30 a.m. on July 24, 2018. You must submit requests to appear at the hearing by June 29, 2018. The request to appear must include a summary of testimony, and may be accompanied by a pre-hearing submission. Participation in this second hearing on the additional action in the investigation will be limited to issues involving the products covered in the tariff subheadings in Annex C. Accordingly, requests to appear at the hearing must identify the specific tariff subheadings in Annex C that the witness intends to address. Remarks at the hearing may be no longer than five minutes to allow for possible questions from the Section 301 Committee.

All requests to appear at the hearing must be in English and sent electronically via *www.regulations.gov.* To submit a request to appear via *www.regulations.gov,* enter docket number USTR–2018–0018 on the home page and click ''search.'' The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice and click on the link titled ''Comment Now!''. In the ''Comment'' field, include the name, address, email address, and telephone number of the person presenting the testimony. Attach a summary of the testimony, and a pre-hearing submission if provided, by using the ''Upload File'' field. The file name should include both the name of the person who will be presenting testimony and the entity they will be representing. In addition, please submit a request to appear and summary of testimony by email to *301investigation@ustr.eop.gov.* In the subject line of the email, please include the name of the person who will be presenting the testimony, followed by ''request to appear''. Please also include the name, address, email address, and telephone number of the person presenting testimony in the body of the email message.

F. Procedures for Written Submissions

All submissions must be in English and sent electronically via *www.regulations.gov.* To submit comments via *www.regulations.gov,* enter docket number USTR–2018–0018 on the home page and click ''search.'' The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice and click on the link titled ''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. We will not accept hand-delivered submissions.

The *www.regulations.gov* website allows users to submit comments by filling in a ''Comment'' field or by attaching a document using an ''Upload File'' field. USTR prefers that you submit comments in an attached document. If you attach a document, it is sufficient to type ''see attached'' in the ''Comment'' field. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If you use an application other than those two, please indicate the name of the application in the ''Comment'' field.

File names should reflect the name of the person or entity submitting the comments. Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the comment itself, rather than submitting them as separate files.

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 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 these procedures are not sufficient to protect business confidential information or otherwise protect business interests, please contact the USTR Tech Transfer Section 301 line at (202) 395–5725 to discuss whether alternative arrangements are possible.

USTR will post submissions in the docket for public inspection, except business confidential information. You can view submissions on the *https://www.regulations.gov* website by entering docket number USTR–2018–0018 in the search field on the home page.

Robert Lighthizer,

United States Trade Representative.

3290–F8–P

ANNEX A

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on July 6, 2018, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified:

1. by inserting the following new heading 9903.88.01 in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", respectively:

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
"9903.88.01	Articles the product of China, as enumerated in U.S. note 20 to this subchapter	The duty provided in the applicable subheading plus 25%"		

2. by inserting the following new U.S. note 20 to subchapter III of chapter 99 in numerical sequence:

"20. (a) For the purposes of heading 9903.88.01, products of China, as provided for in this note, shall be subject to an additional 25 percent *ad valorem* rate of duty. The products of China that are subject to an additional 25 percent *ad valorem* rate of duty under heading 9903.88.01 are products of China that are classified in the subheadings enumerated in U.S. note 20(b) to subchapter III. All products of China that are classified in the subheadings enumerated in U.S. note 20(b) to subchapter III are subject to the additional 25 percent *ad valorem* rate of duty imposed by heading 9903.88.01.

Notwithstanding U.S. note 1 to this subchapter, all products of China that are subject to the additional 25 percent *ad valorem* rate of duty imposed by heading 9903.88.01 shall also be subject to the general rates of duty imposed on products of China classified in the subheadings enumerated in U.S. note 20(b) to subchapter III.

Products of China that are classified in the subheadings enumerated in U.S. note 20(b) to subchapter III and that are eligible for special tariff treatment under general note 3(c)(i) to the HTSUS shall be subject to the additional 25 percent *ad valorem* rate of duty imposed by heading 9903.88.01.

The rates of duty imposed by heading 9903.88.01 shall not apply to products for which entry is properly claimed under a heading or subheading in chapter 98.

Products of China that are provided for in heading 9903.88.01 and classified in one of the subheadings enumerated in U.S. note 20(b) to subchapter III shall continue to be subject to antidumping, countervailing, or other duties, fees, exactions and charges that apply to such products, as well as to the additional 25 percent *ad valorem* rate of duty imposed by heading 9903.88.01.

(b) Heading 9903.88.01 applies to all products of China that are classified in the following 8-digit subheadings:

2845.90.00	8411.99.10	8419.89.60	8427.10.80
4011.30.00	8411.99.90	8419.90.10	8427.20.40
4012.13.00	8412.10.00	8419.90.20	8427.20.80
8401.10.00	8412.21.00	8419.90.30	8428.20.00
8401.20.00	8412.29.40	8419.90.50	8428.31.00
8401.30.00	8412.29.80	8419.90.85	8428.32.00
8401.40.00	8412.31.00	8419.90.95	8428.33.00
8402.11.00	8412.39.00	8420.10.90	8428.39.00
8402.12.00	8412.80.10	8420.91.10	8428.90.02
8402.19.00	8412.80.90	8420.91.20	8429.11.00
8402.20.00	8412.90.10	8420.91.90	8429.19.00
8402.90.00	8413.19.00	8420.99.20	8429.20.00
8404.20.00	8413.40.00	8420.99.90	8429.30.00
8404.90.00	8413.50.00	8421.19.00	8429.40.00
8405.10.00	8413.60.00	8421.21.00	8429.51.10
8405.90.00	8413.70.10	8421.22.00	8429.51.50
8406.10.10	8413.70.20	8421.29.00	8429.52.10
8406.10.90	8413.81.00	8421.39.40	8429.52.50
8406.81.90	8413.82.00	8421.39.80	8429.59.10
8406.82.90	8413.91.10	8421.91.60	8429.59.50
8407.10.00	8413.91.20	8421.99.00	8430.10.00
8407.21.00	8413.91.90	8422.19.00	8430.31.00
8407.29.00	8414.30.40	8422.20.00	8430.39.00
8408.10.00	8414.30.80	8422.30.11	8430.41.00
8408.90.10	8414.59.30	8422.30.91	8430.49.80
8408.90.90	8414.80.05	8422.40.11	8430.50.50
8409.10.00	8414.80.20	8422.40.91	8430.61.00
8410.11.00	8414.90.30	8422.90.06	8430.69.01
8410.12.00	8414.90.41	8422.90.91	8431.10.00
8410.13.00	8414.90.90	8423.20.10	8431.20.00
8410.90.00	8416.90.00	8423.20.90	8431.31.00
8411.11.40	8417.10.00	8423.30.00	8431.39.00
8411.11.80	8417.80.00	8423.82.00	8431.41.00
8411.12.40	8417.90.00	8423.89.10	8431.42.00
8411.12.80	8418.69.01	8423.89.90	8431.43.40
8411.21.40	8419.11.00	8423.90.10	8431.43.80
8411.21.80	8419.19.00	8423.90.90	8431.49.10
8411.22.40	8419.31.00	8424.89.10	8431.49.90
8411.22.80	8419.32.10	8424.90.20	8432.10.00
8411.81.40	8419.32.50	8425.11.00	8432.21.00
8411.81.80	8419.39.01	8425.39.01	8432.80.00
8411.82.40	8419.40.00	8426.41.00	8432.90.00
8411.82.80	8419.50.10	8426.49.00	8433.20.00
8411.91.10	8419.50.50	8426.99.00	8433.30.00
8411.91.90	8419.60.50	8427.10.40	8433.40.00

8433.51.00	8454.90.00	8460.40.40	8466.93.96
8433.52.00	8455.10.00	8460.40.80	8466.93.98
8433.53.00	8455.21.00	8460.90.40	8466.94.20
8433.59.00	8455.22.00	8460.90.80	8466.94.40
8433.60.00	8455.30.00	8461.20.40	8466.94.65
8433.90.50	8455.90.80	8461.20.80	8466.94.85
8434.20.00	8456.11.10	8461.30.40	8467.11.10
8434.90.00	8456.11.70	8461.30.80	8467.11.50
8436.10.00	8456.11.90	8461.40.10	8468.20.50
8436.21.00	8456.12.10	8461.40.50	8468.80.50
8436.29.00	8456.12.70	8461.50.40	8471.70.30
8436.80.00	8456.12.90	8461.90.30	8471.70.40
8436.91.00	8456.20.10	8461.90.60	8471.70.60
8436.99.00	8456.20.50	8462.10.00	8471.70.90
8437.10.00	8456.30.10	8462.21.00	8473.30.20
8437.80.00	8456.30.50	8462.29.00	8473.40.10
8437.90.00	8456.40.10	8462.31.00	8473.40.86
8438.50.00	8456.40.90	8462.39.00	8473.50.30
8438.60.00	8456.50.00	8462.41.00	8474.10.00
8438.80.00	8456.90.31	8462.49.00	8474.20.00
8438.90.90	8456.90.71	8462.91.40	8474.31.00
8439.10.00	8457.10.00	8462.91.80	8474.32.00
8439.20.00	8457.20.00	8462.99.40	8474.39.00
8439.30.00	8457.30.00	8462.99.80	8474.80.00
8439.91.10	8458.11.00	8463.10.00	8474.90.00
8439.91.90	8458.19.00	8463.20.00	8475.10.00
8439.99.10	8458.91.10	8463.30.00	8475.21.00
8439.99.50	8458.91.50	8463.90.00	8475.90.10
8441.20.00	8458.99.10	8464.20.01	8475.90.90
8441.30.00	8458.99.50	8464.90.01	8477.10.30
8441.40.00	8459.10.00	8465.10.00	8477.10.40
8441.80.00	8459.21.00	8465.92.00	8477.10.90
8441.90.00	8459.31.00	8465.93.00	8477.20.00
8442.30.01	8459.39.00	8465.94.00	8477.30.00
8442.40.00	8459.41.00	8465.99.02	8477.40.01
8443.11.10	8459.49.00	8466.10.01	8477.51.00
8443.11.50	8459.51.00	8466.20.10	8477.80.00
8443.12.00	8459.61.00	8466.20.80	8477.90.25
8443.13.00	8459.69.00	8466.30.10	8477.90.45
8443.14.00	8459.70.40	8466.30.60	8477.90.65
8443.17.00	8459.70.80	8466.91.50	8477.90.85
8443.19.30	8460.12.00	8466.92.10	8479.10.00
8443.91.10	8460.19.01	8466.92.50	8479.20.00
8443.99.20	8460.22.00	8466.93.11	8479.30.00
8443.99.45	8460.23.00	8466.93.30	8479.40.00
8444.00.00	8460.24.00	8466.93.53	8479.50.00
8454.10.00	8460.29.01	8466.93.60	8479.81.00
8454.30.00	8460.31.00	8466.93.75	8479.82.00

8479.89.83	8501.10.40	8505.90.30	8529.90.68
8479.89.92	8501.20.20	8505.90.40	8529.90.73
8479.90.94	8501.20.50	8505.90.70	8529.90.78
8480.20.00	8501.20.60	8505.90.75	8529.90.81
8480.30.00	8501.31.20	8506.40.10	8529.90.83
8480.41.00	8501.31.50	8506.40.50	8529.90.89
8480.49.00	8501.31.60	8506.50.00	8529.90.93
8480.50.00	8501.32.45	8506.60.00	8529.90.95
8480.71.10	8501.32.55	8506.90.00	8529.90.97
8480.71.40	8501.33.40	8507.90.80	8529.90.99
8480.71.80	8501.33.60	8514.10.00	8530.10.00
8481.10.00	8501.34.30	8514.20.60	8530.80.00
8481.20.00	8501.34.60	8514.20.80	8530.90.00
8481.30.20	8501.51.20	8514.30.10	8532.10.00
8481.30.90	8501.51.40	8514.30.90	8532.21.00
8481.40.00	8501.51.50	8514.40.00	8532.22.00
8481.90.90	8501.51.60	8514.90.80	8532.23.00
8482.10.50	8501.52.80	8515.11.00	8532.24.00
8482.20.00	8501.53.40	8515.19.00	8532.25.00
8482.30.00	8501.53.80	8515.21.00	8532.29.00
8482.40.00	8501.62.00	8515.29.00	8532.30.00
8482.50.00	8501.63.00	8515.31.00	8532.90.00
8482.80.00	8501.64.00	8515.39.00	8533.10.00
8482.91.00	8502.11.00	8515.80.00	8533.21.00
8482.99.05	8502.12.00	8515.90.20	8533.29.00
8482.99.15	8502.13.00	8515.90.40	8533.31.00
8482.99.25	8502.31.00	8525.50.70	8533.40.40
8482.99.35	8502.39.00	8525.60.10	8533.40.80
8482.99.45	8502.40.00	8525.60.20	8533.90.80
8482.99.65	8503.00.20	8525.80.10	8535.10.00
8483.30.40	8503.00.35	8525.80.20	8535.21.00
8483.40.10	8503.00.45	8526.10.00	8535.29.00
8483.40.30	8503.00.65	8526.91.00	8535.30.00
8483.40.80	8503.00.75	8526.92.50	8535.90.40
8483.40.90	8503.00.90	8527.99.15	8535.90.80
8483.50.60	8504.21.00	8527.99.40	8536.10.00
8483.50.90	8504.22.00	8529.10.40	8536.20.00
8483.60.40	8504.23.00	8529.90.05	8536.30.40
8483.90.10	8504.32.00	8529.90.06	8536.41.00
8483.90.20	8504.33.00	8529.90.09	8536.49.00
8483.90.30	8504.34.00	8529.90.16	8536.50.40
8483.90.70	8504.40.40	8529.90.19	8536.50.90
8483.90.80	8504.90.41	8529.90.22	8536.69.40
8484.10.00	8504.90.65	8529.90.24	8536.90.40
8484.20.00	8504.90.75	8529.90.29	8536.90.85
8484.90.00	8504.90.96	8529.90.33	8537.10.60
8487.10.00	8505.19.10	8529.90.46	8537.10.80
8487.90.00	8505.20.00	8529.90.63	8537.20.00

8538.10.00	8607.19.12	8709.11.00	9014.80.20
8538.90.40	8607.19.15	8709.19.00	9014.80.40
8538.90.60	8607.19.90	8709.90.00	9014.80.50
8538.90.81	8607.21.10	8711.50.00	9014.90.10
8539.41.00	8607.21.50	8802.11.00	9014.90.20
8539.90.00	8607.29.10	8802.12.00	9014.90.40
8540.79.10	8607.29.50	8802.20.00	9014.90.60
8540.79.20	8607.91.00	8802.30.00	9015.10.80
8540.89.00	8607.99.10	8802.40.00	9015.20.40
8541.21.00	8607.99.50	8802.60.30	9015.20.80
8541.29.00	8608.00.00	8802.60.90	9015.40.40
8541.30.00	8701.10.01	8803.10.00	9015.40.80
8541.40.20	8701.30.10	8803.20.00	9015.80.20
8541.40.70	8702.10.31	8803.30.00	9015.80.60
8541.40.80	8702.10.61	8803.90.30	9015.80.80
8541.40.95	8702.20.31	8803.90.90	9018.11.30
8541.50.00	8702.20.61	8805.10.00	9018.11.60
8541.60.00	8702.30.31	8805.21.00	9018.11.90
8541.90.00	8702.30.61	8805.29.00	9018.12.00
8543.10.00	8702.40.31	8901.10.00	9018.13.00
8543.20.00	8702.40.61	8901.20.00	9018.14.00
8543.30.20	8702.90.31	8901.90.00	9018.19.40
8543.30.90	8702.90.61	8902.00.00	9018.19.55
8543.70.20	8703.21.01	8904.00.00	9018.19.75
8543.70.42	8703.22.01	8905.10.00	9018.19.95
8543.70.60	8703.23.01	8905.20.00	9018.20.00
8543.70.80	8703.24.01	8905.90.50	9018.90.20
8543.70.95	8703.31.01	8906.90.00	9018.90.30
8543.70.97	8703.32.01	8908.00.00	9018.90.60
8543.90.12	8703.33.01	9002.90.20	9018.90.75
8543.90.15	8703.40.00	9002.90.40	9021.50.00
8543.90.35	8703.50.00	9002.90.70	9022.12.00
8543.90.65	8703.60.00	9002.90.95	9022.13.00
8543.90.68	8703.70.00	9011.10.40	9022.14.00
8544.11.00	8703.80.00	9011.10.80	9022.19.00
8544.19.00	8703.90.01	9011.20.40	9022.21.00
8544.30.00	8704.10.10	9011.90.00	9022.29.80
8544.49.30	8704.10.50	9012.10.00	9022.30.00
8544.49.90	8704.21.00	9012.90.00	9022.90.05
8544.60.20	8704.22.10	9013.10.45	9022.90.15
8544.60.40	8704.22.50	9013.20.00	9022.90.25
8544.70.00	8704.23.00	9013.80.70	9022.90.40
8601.10.00	8704.31.00	9014.10.70	9022.90.60
8603.10.00	8704.32.00	9014.20.20	9022.90.95
8603.90.00	8705.30.00	9014.20.40	9024.10.00
8604.00.00	8705.40.00	9014.20.60	9024.80.00
8607.12.00	8706.00.25	9014.20.80	9024.90.00
8607.19.06	8706.00.30	9014.80.10	9026.10.20

9026.20.40	9027.90.54	9030.90.66	9031.90.70
9026.80.20	9027.90.56	9030.90.68	9031.90.91
9026.90.20	9027.90.59	9030.90.84	9032.10.00
9026.90.40	9027.90.64	9030.90.89	9032.20.00
9026.90.60	9027.90.84	9031.10.00	9032.81.00
9027.20.50	9027.90.88	9031.20.00	9032.89.20
9027.20.80	9028.90.00	9031.41.00	9032.89.40
9027.30.40	9030.10.00	9031.49.10	9032.89.60
9027.30.80	9030.20.05	9031.49.40	9032.90.21
9027.50.10	9030.33.34	9031.49.70	9032.90.41
9027.50.40	9030.33.38	9031.49.90	9032.90.61
9027.50.80	9030.39.01	9031.80.40	9033.00.20
9027.80.25	9030.40.00	9031.80.80	9033.00.30
9027.80.45	9030.82.00	9031.90.21	9033.00
9027.80.80	9030.90.25	9031.90.54	
9027.90.45	9030.90.46	9031.90.59	

ANNEX B

Note: All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTSUS) that are listed in this Annex are covered by the action. The product descriptions that are contained in this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the action. In all cases, the formal language in Annex A governs the tariff treatment of products covered by the action. Any questions regarding the scope of particular HTSUS subheadings should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviations "nesoi" and "nesi" mean "not elsewhere specified or included".

HTSUS Subheading	Product Description
2845.90.00	Isotopes not in heading 2844 and their compounds other than heavy water
4011.30.00	New pneumatic tires, of rubber, of a kind used on aircraft
4012.13.00	Retreaded pneumatic tires, of rubber, of a kind used on aircraft
8401.10.00	Nuclear reactors
8401.20.00	Machinery and apparatus for isotopic separation, and parts thereof
8401.30.00	Fuel elements (cartridges), non-irradiated and parts thereof
8401.40.00	Parts of nuclear reactors
8402.11.00	Watertube boilers with a steam production exceeding 45 tons per hour
8402.12.00	Watertube boilers with a steam production not exceeding 45 tons per hour
8402.19.00	Vapor-generating boilers, including hybrid boilers, other than watertube boilers
8402.20.00	Super-heated water boilers
8402.90.00	Parts of steam- or other vapor-generating boilers
8404.20.00	Condensers for steam or other vapor power units
8404.90.00	Parts for auxiliary plant for use with boilers of heading 8402 and 8403 and condensers for steam or vapor power units
8405.10.00	Producer gas or water gas generators, acetylene gas generators and similar water process gas generators; with or without their purifiers
8405.90.00	Parts for gas generators of subheading 8405.10
8406.10.10	Steam turbines for marine propulsion
8406.10.90	Vapor turbines (other than steam) for marine propulsion
8406.81.90	Vapor turbines (excluding steam turbines) other than for marine propulsion, of an output exceeding 40 MW
8406.82.90	Vapor turbines (excluding steam turbines) other than for marine propulsion, of an output not exceeding 40 MW
8407.10.00	Spark-ignition reciprocating or rotary internal combustion piston engines for use in aircraft
8407.21.00	Marine propulsion spark-ignition reciprocating or rotary internal-combustion piston engines for outboard motors
8407.29.00	Marine propulsion spark-ignition reciprocating or rotary internal-combustion piston engines, nesoi
8408.10.00	Marine propulsion compression-ignition internal-combustion piston engines
8408.90.10	Compression-ignition internal-combustion piston engines, to be installed in agricultural or horticultural machinery or equipment, nesoi

HTSUS Subheading	Product Description
8408.90.90	Compression-ignition internal-combustion piston engines, for machinery or equipment, nesoi
8409.10.00	Parts for internal combustion aircraft engines
8410.11.00	Hydraulic turbines and water wheels of a power not exceeding 1,000 kW
8410.12.00	Hydraulic turbines and water wheels of a power exceeding 1,000 kW but not exceeding 10,000 kW
8410.13.00	Hydraulic turbines and water wheels of a power exceeding 10,000 kW
8410.90.00	Parts, including regulators, of hydraulic turbines and water wheels
8411.11.40	Aircraft turbojets of a thrust not exceeding 25 kN
8411.11.80	Turbojets of a thrust not exceeding 25 kN, other than aircraft
8411.12.40	Aircraft turbojets of a thrust exceeding 25 kN
8411.12.80	Turbojets of a thrust exceeding 25 kN, other than aircraft
8411.21.40	Aircraft turbopropellers of a power not exceeding 1,100 kW
8411.21.80	Turbopropellers of a power not exceeding 1,100 kW, other than aircraft
8411.22.40	Aircraft turbopropellers of a power exceeding 1,100 kW
8411.22.80	Turbopropellers of a power exceeding 1,100 kW, other than aircraft
8411.81.40	Aircraft gas turbines other than turbojets or turbopropellers, of a power not exceeding 5,000 kW
8411.81.80	Gas turbines other than turbojets or turbopropellers, of a power not exceeding 5,000 kW, other than aircraft
8411.82.40	Aircraft gas turbines other than turbojets or turbopropellers, of a power exceeding 5,000 kW
8411.82.80	Gas turbines, other than turbojets or turbopropellers of a power exceeding 5,000 kW, other than aircraft
8411.91.10	Cast-iron parts of turbojets or turbopropellers machined only for removal of fins, gates, etc. or to permit location in machinery
8411.91.90	Parts of turbojets or turbopropellers other than those of subheading 8411.91.10
8411.99.10	Cast-iron parts of gas turbines nesoi, not advanced beyond cleaning, and machined for removal of fins, gates, sprues and risers
8411.99.90	Parts of gas turbines nesoi, other than those of subheading 8411.99.10
8412.10.00	Reaction engines other than turbojets
8412.21.00	Hydraulic power engines and motors, linear acting (cylinders)
8412.29.40	Hydrojet engines for marine propulsion
8412.29.80	Hydraulic power engines and motors, nesoi
8412.31.00	Pneumatic power engines and motors, linear acting (cylinders)
8412.39.00	Pneumatic power engines and motors, other than linear acting
8412.80.10	Spring-operated and weight-operated motors
8412.80.90	Engines and motors, nesoi (excluding motors of heading 8501)
8412.90.10	Parts of hydrojet engines for marine propulsion
8413.19.00	Pumps for liquids fitted or designed to be fitted with a measuring device, nesoi
8413.40.00	Concrete pumps for liquids, not fitted with a measuring device
8413.50.00	Reciprocating positive displacement pumps for liquids, not fitted with a measuring device, nesoi

HTSUS Subheading	Product Description
8413.60.00	Rotary positive displacement pumps for liquids, not fitted with a measuring device, nesoi
8413.70.10	Stock pumps imported for use with machines for making cellulosic pulp, paper or paperboard, not fitted with a measuring device
8413.70.20	Centrifugal pumps for liquids, not fitted with a measuring device, nesoi
8413.81.00	Pumps for liquids, not fitted with a measuring device, nesoi
8413.82.00	Liquid elevators
8413.91.10	Parts of fuel-injection pumps for compression-ignition engines
8413.91.20	Parts of stock pumps imported for use with machines for making cellulosic pulp, paper or paperboard
8413.91.90	Parts of pumps, nesoi
8414.30.40	Compressors of a kind used in refrigerating equipment (including air conditioning) not exceeding 1/4 horsepower
8414.30.80	Compressors of a kind used in refrigerating equipment (incl. air conditioning) exceeding 1/4 horsepower
8414.59.30	Turbocharger and supercharger fans
8414.80.05	Turbocharger and supercharger air compressors
8414.80.20	Gas compressors, nesoi
8414.90.30	Stators and rotors of goods of subheading 8414.30
8414.90.41	Parts of air or gas compressors, nesoi
8414.90.90	Parts of air or vacuum pumps and ventilating or recycling hoods
8416.90.00	Parts for furnace burners, mechanical stokers, mechanical grates, mechanical ash dischargers and similar appliances
8417.10.00	Furnaces and ovens for the roasting, melting or other heat treatment of ores, pyrites or of metals
8417.80.00	Industrial or laboratory furnaces and ovens nesoi, including incinerators, nonelectric
8417.90.00	Parts for industrial or laboratory furnaces and ovens, including incinerators, nonelectric
8418.69.01	Refrigerating or freezing equipment nesoi
8419.11.00	Instantaneous gas water heaters, nonelectric
8419.19.00	Storage water heaters, nonelectric
8419.31.00	Dryers for agricultural products, not used for domestic purposes
8419.32.10	Dryers for wood
8419.32.50	Dryers for paper pulp, paper or paperboard
8419.39.01	Dryers, other than of a kind for domestic purposes, nesoi
8419.40.00	Distilling or rectifying plant, not used for domestic purposes
8419.50.10	Brazed aluminum plate-fin heat exchangers
8419.50.50	Heat exchange units, nesoi
8419.60.50	Machinery for liquefying air or gas, nesoi
8419.89.60	Industrial machinery, plant or equip. for the treat. of mat., involving a change in temp., for molten-salt-cooled acrylic acid reactors
8419.90.10	Parts of instantaneous or storage water heaters

HTSUS Subheading	Product Description
8419.90.20	Parts of machinery and plant, for making paper pulp, paper or paperboard
8419.90.30	Parts of heat exchange units
8419.90.50	Parts of molten-salt-cooled acrylic acid reactors, nesoi; parts of certain medical, surgical or laboratory sterilizers, nesoi
8419.90.85	Parts of electromechanical tools for work in the hand, w/self-contained electric motor, for treatment of materials by change in temperature
8419.90.95	Parts of machinery, plant or laboratory equipment for the treatment of materials by a process involving a change of temperature, nesoi
8420.10.90	Calendering or other rolling machines, other than for metals or glass, nesoi
8420.91.10	Cylinders for textile calendering or rolling machines
8420.91.20	Cylinders for paper pulp, paper or paperboard calendering or rolling machines
8420.91.90	Cylinders for calendering and similar rolling machines, nesoi
8420.99.20	Parts of calendering or rolling machines for making paper pulp, paper or paperboard
8420.99.90	Parts of calendering or other rolling machines, other than for metals or glass, nesoi
8421.19.00	Centrifuges, other than cream separators or clothes dryers
8421.21.00	Machinery and apparatus for filtering or purifying water
8421.22.00	Machinery and apparatus for filtering or purifying beverages other than water
8421.29.00	Filtering or purifying machinery and apparatus for liquids, nesoi
8421.39.40	Catalytic converters
8421.39.80	Filtering or purifying machinery and apparatus for gases, other than intake air filters for internal combustion engines or catalytic conv.
8421.91.60	Parts of centrifuges, including centrifugal dryers, nesoi
8421.99.00	Parts for filtering or purifying machinery or apparatus for liquids or gases
8422.19.00	Dishwashing machines other than of the household type
8422.20.00	Machinery for cleaning or drying bottles or other containers
8422.30.11	Can-sealing machines
8422.30.91	Machinery for filling, closing, sealing, capsuling or labeling bottles, cans, boxes or other containers; machinery for aerating beverages; nesoi
8422.40.11	Machinery for packing or wrapping pipe tobacco, candy and cigarette packages; combination candy cutting and wrapping machines
8422.40.91	Packing or wrapping machinery, nesoi
8422.90.06	Parts of dishwashing machines, nesoi
8422.90.91	Parts of packing or wrapping machinery, nesoi
8423.20.10	Scales for continuous weighing of goods on conveyors using electronic means for gauging weights
8423.20.90	Other scales for continuous weighing of goods on conveyors
8423.30.00	Constant weight scales and scales for discharging a predetermined weight of material into a bag or container, including hopper scales
8423.82.00	Weighing machinery having a maximum weighing capacity exceeding 30 kg but not exceeding 5,000 kg
8423.89.10	Weighing machinery with maximum capacity exceeding 5,000 kg, using electronic means for gauging

HTSUS Subheading	Product Description
8423.89.90	Weighing machinery with maximum capacity exceeding 5,000 kg, not using electronic means for gauging nesoi
8423.90.10	Parts of weighing machinery using electronic means for gauging, except parts for weighing motor vehicles
8423.90.90	Other parts of weighing machinery, including weights
8424.89.10	Mechanical appliances for projecting, dispersing or spraying liquids or powders, used for making printed circuits or printed circuit assemblies
8424.90.20	Parts of sand blasting machines
8425.11.00	Pulley tackle and hoists other than skip hoists or hoists used for raising vehicles, powered by electric motor
8425.39.01	Winches nesoi, and capstans, not powered by electric motor
8426.41.00	Derricks, cranes and other lifting machinery nesoi, self-propelled, on tires
8426.49.00	Derricks, cranes and other lifting machinery nesoi, self-propelled, not on tires
8426.99.00	Derricks, cranes and other lifting machinery nesoi
8427.10.40	Self-propelled works trucks powered by an electric motor, rider type forklift trucks
8427.10.80	Self-propelled works trucks powered by an electric motor, fitted with lifting and handling equipment, nesoi
8427.20.40	Self-propelled works trucks not powered by an electric motor, rider type forklift trucks
8427.20.80	Self-propelled works trucks not powered by an electric motor, fitted with lifting and handling equipment, nesoi
8428.20.00	Pneumatic elevators and conveyors
8428.31.00	Continuous-action elevators and conveyors, for goods or materials, specially designed for underground use
8428.32.00	Bucket type continuous-action elevators and conveyors, for goods or materials
8428.33.00	Belt type continuous-action elevators and conveyors, for goods or materials
8428.39.00	Continuous-action elevators and conveyors, for goods or materials, nesoi
8428.90.02	Machinery for lifting, handling, loading or unloading, nesoi
8429.11.00	Self-propelled bulldozers and angledozers, for track laying
8429.19.00	Self-propelled bulldozers and angledozers other than track laying
8429.20.00	Self-propelled graders and levelers
8429.30.00	Self-propelled scrapers
8429.40.00	Self-propelled tamping machines and road rollers
8429.51.10	Self-propelled front-end shovel loaders, wheel-type
8429.51.50	Self-propelled front-end shovel loaders, other than wheel-type
8429.52.10	Self-propelled backhoes, shovels, clamshells and draglines with a 360 degree revolving superstructure
8429.52.50	Self-propelled machinery with a 360 degree revolving superstructure, other than backhoes, shovels, clamshells and draglines
8429.59.10	Self-propelled backhoes, shovels, clamshells and draglines not with a 360 degree revolving superstructure
8429.59.50	Self-propelled machinery not with a 360 degree revolving superstructure, other than backhoes, shovels, clamshells and draglines
8430.10.00	Pile-drivers and pile-extractors

HTSUS Subheading	Product Description
8436.91.00	Parts of poultry-keeping machinery or poultry incubators and brooders
8436.99.00	Parts for agricultural, horticultural, forestry or bee-keeping machinery, nesoi
8437.10.00	Machines for cleaning, sorting or grading seed, grain or dried leguminous vegetables
8437.80.00	Machinery used in the milling industry or for the working of cereals or dried leguminous vegetables, other than farm type machinery
8437.90.00	Parts for machinery used in the milling industry or for cleaning, sorting, grading or working of cereals or dried leguminous vegetables
8438.50.00	Machinery for the preparation of meat or poultry, nesoi
8438.60.00	Machinery for the preparation of fruits, nuts or vegetables, nesoi
8438.80.00	Machinery for the industrial preparation or manufacture of food or drink, nesoi
8438.90.90	Parts of machinery for the industrial preparation or manufacture of food or drink, other than sugar manufacturing, nesoi
8439.10.00	Machinery for making pulp of fibrous cellulosic material
8439.20.00	Machinery for making paper or paperboard
8439.30.00	Machinery for finishing paper or paperboard
8439.91.10	Bed plates, roll bars and other stock-treating parts of machinery for making pulp of fibrous cellulosic materials
8439.91.90	Parts of machinery for making pulp of fibrous cellulosic materials, nesoi
8439.99.10	Parts of machinery for making paper or paperboard
8439.99.50	Parts of machinery for finishing paper or paperboard
8441.20.00	Machines for making bags, sacks or envelopes of paper pulp, paper or paperboard
8441.30.00	Machines for making cartons, boxes, cases, tubes, drums or similar containers, other than by molding, of paper pulp, paper or paperboard
8441.40.00	Machines for molding articles in paper pulp, paper or paperboard
8441.80.00	Machinery for making up paper pulp, paper or paperboard, nesoi
8441.90.00	Parts for machinery used in making up paper pulp, paper or paperboard, including cutting machines
8442.30.01	Machinery, apparatus and equipment of heading 8442
8442.40.00	Parts of the machinery, apparatus or equipment of subheadings 8442.10, 8442.20 and 8442.30
8443.11.10	Reel-fed offset printing machinery, double-width newspaper printing presses
8443.11.50	Reel-fed offset printing machinery, other than double-width newspaper printing presses
8443.12.00	Sheet-fed offset printing machinery, office type (sheet size not exceeding 22 X 36 cm)
8443.13.00	Offset printing machinery, nesoi
8443.14.00	Letterpress printing machinery, excluding flexographic printing, reel-fed
8443.17.00	Gravure printing machinery
8443.19.30	Printing machinery, nesoi
8443.91.10	Machines for uses ancillary to printing
8443.99.20	Parts of printer units of subheading 8443.32.10 specified in additional U.S. note 2 to this chapter
8443.99.45	Parts and accessories of copying machines; nesoi
8444.00.00	Machines for extruding, drawing, texturing or cutting man-made textile materials

HTSUS Subheading	Product Description
8454.10.00	Converters of a kind used in metallurgy or in metal foundries
8454.30.00	Casting machines, of a kind used in metallurgy or in metal foundries
8454.90.00	Parts of converters, ladles, ingot molds and casting machines, of a kind used in metallurgy or in metal foundries
8455.10.00	Metal-rolling tube mills
8455.21.00	Metal-rolling mills, other than tube mills, hot or combination hot and cold
8455.22.00	Metal-rolling mills, other than tube mills, cold
8455.30.00	Rolls for metal-rolling mills
8455.90.80	Parts for metal-rolling mills, other than rolls, nesoi
8456.11.10	Machine tools operated by laser, for working metal
8456.11.70	Machine tools operated by laser, of a kind used solely or principally for manufacture of printed circuits
8456.11.90	Machine tools operated by laser, nesoi
8456.12.10	Machine tools operated by light or photon beam processes, for working metal
8456.12.70	Machine tools operated by light or photon beam processes, of a kind used solely or principally for the manufacture of printed circuits
8456.12.90	Machine tools operated by light or photon beam processes, nesoi
8456.20.10	Machine tools operated by ultrasonic processes, for working metal
8456.20.50	Machine tools operated by ultrasonic processes, other than for working metal
8456.30.10	Machine tools operated by electro-discharge processes, for working metal
8456.30.50	Machine tools operated by electro-discharge processes, other than for working metal
8456.40.10	Machine tools operated by plasma arc process, for working metal
8456.40.90	Machine tools operated by plasma arc process, other than for working metal
8456.50.00	Water-jet cutting machines
8456.90.31	Machine tools operated by electro-chemical or ionic-beam processes, for working metal
8456.90.71	Machine tools operated by electro-chemical or ionic-beam processes, other than for working metal
8457.10.00	Machining centers for working metal
8457.20.00	Unit construction machines (single station), for working metal
8457.30.00	Multistation transfer machines for working metal
8458.11.00	Horizontal lathes (including turning centers) for removing metal, numerically controlled
8458.19.00	Horizontal lathes (including turning centers) for removing metal, other than numerically controlled
8458.91.10	Vertical turret lathes (including turning centers) for removing metal, numerically controlled
8458.91.50	Lathes (including turning centers), other than horizontal or vertical turret lathes, for removing metal, numerically controlled
8458.99.10	Vertical turret lathes (including turning centers) for removing metal, other than numerically controlled
8458.99.50	Lathes (including turning centers), other than horizontal or vertical turret lathes, for removing metal, other than numerically controlled

HTSUS Subheading	Product Description
8459.10.00	Way-type unit head machines for drilling, boring, milling, threading or tapping by removing metal, other than lathes of heading 8458
8459.21.00	Drilling machines, numerically controlled, nesoi
8459.31.00	Boring-milling machines, numerically controlled, nesoi
8459.39.00	Boring-milling machines, other than numerically controlled, nesoi
8459.41.00	Boring machines, numerically controlled, nesoi
8459.49.00	Boring machines, not numerically controlled, nesoi
8459.51.00	Milling machines, knee type, numerically controlled, nesoi
8459.61.00	Milling machines, other than knee type, numerically controlled, nesoi
8459.69.00	Milling machines, other than knee type, other than numerically controlled, nesoi
8459.70.40	Other threading or tapping machines, numerically controlled
8459.70.80	Other threading or tapping machines nesoi
8460.12.00	Flat-surface grinding machines, numerically controlled
8460.19.01	Flat-surface grinding machines, not numerically controlled
8460.22.00	Centerless grinding machines, numerically controlled
8460.23.00	Other cylindrical grinding machines, numerically controlled
8460.24.00	Other grinding machines, numerically controlled
8460.29.01	Other grinding machines, other than numerically controlled
8460.31.00	Sharpening (tool or cutter grinding) machines for working metal or cermets, numerically controlled
8460.40.40	Honing or lapping machines for working metal or cermets, numerically controlled
8460.40.80	Honing or lapping machines for working metal or cermets, other than numerically controlled
8460.90.40	Other machine tools for deburring, polishing or otherwise finishing metal or cermets, nesoi, numerically controlled
8460.90.80	Other machine tools for deburring, polishing or otherwise finishing metal or cermets, nesoi, other than numerically controlled
8461.20.40	Shaping or slotting machines for working by removing metal or cermets, numerically controlled
8461.20.80	Shaping or slotting machines for working by removing metal or cermets, other than numerically controlled
8461.30.40	Broaching machines for working by removing metal or cermets, numerically controlled
8461.30.80	Broaching machines for working by removing metal or cermets, other than numerically controlled
8461.40.10	Gear cutting machines for working by removing metal or cermets
8461.40.50	Gear grinding or finishing machines for working by removing metal or cermets
8461.50.40	Sawing or cutting-off machines for working by removing metal or cermets, numerically controlled
8461.90.30	Machine-tools for working by removing metal or cermets, nesoi, numerically controlled
8461.90.60	Machine-tools for working by removing metal or cermets, nesoi, other than numerically controlled

HTSUS Subheading	Product Description
8462.10.00	Forging or die-stamping machines (including presses) and hammers
8462.21.00	Bending, folding, straightening or flattening machines (including presses) numerically controlled for working metal or metal carbides
8462.29.00	Bending, folding, straightening or flattening machines (including presses) not numerically controlled for working metal or metal carbides
8462.31.00	Shearing machines (incl. presses), excl. combined punching & shearing machines, numerically controlled for working metal or metal carbides
8462.39.00	Shearing machines (incl. presses), excl. combined punch & shearing machines, nt numerically controlled for working metal or metal carbides
8462.41.00	Punch/notch machines (incl. presses), incl. combined punch & shearing machines, numerically controlled for working metal or metal carbides
8462.49.00	Punch/notch machines (incl. presses), incl. combined punch & shear machines, not numerically controlled for working metal or metal carbides
8462.91.40	Hydraulic presses, numerically controlled
8462.91.80	Hydraulic presses, not numerically controlled
8462.99.40	Machine tools (including nonhydraulic presses) for working metal or metal carbides, nesoi, numerically controlled
8462.99.80	Machine tools (including nonhydraulic presses) for working metal or metal carbides, nesoi, not numerically controlled
8463.10.00	Draw-benches for bars, tubes, profiles, wire or the like, for working metal or cermets, without removing material
8463.20.00	Thread rolling machines for working metal or cermets, without removing material
8463.30.00	Machines for working wire of metal or cermets, without removing material
8463.90.00	Machine tools for working metal or cermets, without removing material, nesoi
8464.20.01	Grinding or polishing machines for working stone, ceramics, concrete, asbestos-cement or like mineral materials, or glass, nesoi
8464.90.01	Machine tools for working stone, ceramics, concrete, asbestos-cement or like mineral materials or for cold working glass, nesoi
8465.10.00	Machines for working certain hard materials which can carry out different types of machining operations w/o tool change between operations
8465.92.00	Planing, milling or molding (by cutting) machines for working wood, cork, bone, hard rubber, hard plastics or similar hard materials
8465.93.00	Grinding, sanding or polishing machines for working wood, cork, bone, hard rubber, hard plastics or similar hard materials
8465.94.00	Bending or assembling machines for working wood, cork, bone hard rubber, hard plastics or similar hard materials
8465.99.02	Machine tools for working wood, cork, bone, hard rubber, hard plastics and similar hard materials, nesoi
8466.10.01	Tool holders and self-opening dieheads for use solely or principally with machines of headings 8456 to 8465, nesoi
8466.20.10	Work holders for machine tools used in cutting gears
8466.20.80	Work holders for machine tools other than those used in cutting gears, nesoi
8466.30.10	Dividing heads for use solely or principally for machine tools of headings 8456 to 8465
8466.30.60	Special attachments (which are machines) use solely or principally for machines of heading 8456 to 8465, excluding dividing heads, nesoi

HTSUS Subheading	Product Description
8466.91.50	Parts and accessories nesoi, for machines of heading 8464
8466.92.10	Cast-iron parts not advanced beyond cleaning and specifically machined, for machines of heading 8465
8466.92.50	Parts and accessories nesoi, for machines of heading 8465
8466.93.11	Certain parts for water-jet cutting machines
8466.93.30	Certain specified parts and accessories of metal working machine tools for cutting gears
8466.93.53	Certain specified parts and accessories for machines of heading 8456 to 8461, nesoi
8466.93.60	Other cast-iron parts not advanced beyond cleaning and specifically machined, for metalworking machine tools for cutting, etc.
8466.93.75	Other parts and accessories of metal working machine tools for cutting gears
8466.93.96	Parts & accessories for machines of heading 8456 to 8461 used to make printed circuits or PCAs, parts of heading 8517 or computers
8466.93.98	Other parts and accessories for machines of heading 8456 to 8461, nesoi
8466.94.20	Certain specified cast-iron parts not advanced beyond cleaning and specifically machined, for machines of heading 8462 or 8463
8466.94.40	Other cast-iron parts not advanced beyond cleaning and specifically machined, for machines of heading 8462 or 8463
8466.94.65	Other specified parts and accessories for machines of heading 8462 or 8463, nesoi
8466.94.85	Other parts and accessories for machines of heading 8462 or 8463, nesoi
8467.11.10	Tools for working in the hand, pneumatic, rotary type, suitable for metal working
8467.11.50	Tools for working in the hand, pneumatic, rotary type, other than suitable for metal working
8468.20.50	Gas-operated machinery, apparatus and appliances, not hand-directed or -controlled, used for soldering, brazing, welding or tempering, nesoi
8468.80.50	Machinery and apparatus other than hand-directed or -controlled, used for soldering, brazing or welding, not gas-operated
8471.70.30	ADP magnetic disk drive storage units, disk dia. ov 21 cm, nesoi, not entered with the rest of a system
8471.70.40	ADP magnetic disk drive storage units, disk dia. n/ov 21 cm, not in cabinet, w/o attached external power supply, n/entered w/rest of a system
8471.70.60	ADP storage units other than magnetic disk, not in cabinets for placing on a table, etc., not entered with the rest of a system
8471.70.90	ADP storage units other than magnetic disk drive units, nesoi, not entered with the rest of a system
8473.30.20	Parts and accessories of the ADP machines of heading 8471, not incorporating a CRT, parts and accessories of printed circuit assemblies
8473.40.10	Printed circuit assemblies for automatic teller machines of subheading 8472.90.10
8473.40.86	Other parts and accessories of machines of heading 8472, nesoi
8473.50.30	Printed circuit assemblies suitable for use with machines of two or more of the headings 8469 to 8472
8474.10.00	Sorting, screening, separating or washing machines for earth, stones, ores or other mineral substances in solid form
8474.20.00	Crushing or grinding machines for earth, stones, ores or other mineral substances

HTSUS Subheading	Product Description
8474.31.00	Concrete or mortar mixers
8474.32.00	Machines for mixing mineral substances with bitumen
8474.39.00	Mixing or kneading machines for earth, stones, ores or other mineral substances, nesoi
8474.80.00	Machinery for agglomerating, shaping or molding solid mineral fuels, or other mineral products; machines for forming sand foundry molds
8474.90.00	Parts for the machinery of heading 8474
8475.10.00	Machines for assembling electric or electronic lamps, tubes or flashbulbs, in glass envelopes
8475.21.00	Machines for making glass optical fibers and preforms thereof
8475.90.10	Parts of machines for assembling electric or electronic lamps, tubes or flashbulbs, in glass envelopes
8475.90.90	Parts of machines for manufacturing or hot working glass or glassware
8477.10.30	Injection-molding machines for manufacturing shoes of rubber or plastics
8477.10.40	Injection-molding machines for use in the manufacture of video laser discs
8477.10.90	Injection-molding machines of a type used for working or manufacturing products from rubber or plastics, nesoi
8477.20.00	Extruders for working rubber or plastics or for the manufacture of products from these materials, nesoi
8477.30.00	Blow-molding machines for working rubber or plastics or for the manufacture of products from these materials
8477.40.01	Vacuum-molding and other thermoforming machines for working rubber or plastics or for manufacture of products from these materials, nesoi
8477.51.00	Machinery for molding or retreading pneumatic tires or for molding or otherwise forming inner tubes
8477.80.00	Machinery for working rubber or plastics or for the manufacture of products from these materials, nesoi
8477.90.25	Base, bed, platen and specified parts of machinery for working rubber or plastics or for manufacture of products from these material, nesoi
8477.90.45	Barrel screws of machinery for working rubber or plastics or for the manufacture of products from these materials, nesoi
8477.90.65	Hydraulic assemblies of machinery for working rubber or plastics or for the manufacture of products from these materials, nesoi
8477.90.85	Parts of machinery for working rubber or plastics or for the manufacture of products from these materials, nesoi
8479.10.00	Machinery for public works, building or the like, nesoi
8479.20.00	Machinery for the extraction or preparation of animal or fixed vegetable fats or oils, nesoi
8479.30.00	Presses for making particle board or fiber building board of wood or other ligneous materials, and mach. for treat. wood or cork, nesoi
8479.40.00	Rope- or cable-making machines nesoi
8479.50.00	Industrial robots, not elsewhere specified or included
8479.81.00	Machines and mechanical appliances for treating metal, including electric wire coil-winders, nesoi

HTSUS Subheading	Product Description
8479.82.00	Machines for mixing, kneading, crushing, grinding, screening, sifting, homogenizing, emulsifying or stirring, nesoi
8479.89.83	Machines for the manufacture of optical media
8479.89.92	Automated electronic component placement machines for making printed circuit assemblies
8479.90.94	Parts of machines and mechanical appliances having individual functions, not specified or included elsewhere in chapter 84, nesoi
8480.20.00	Mold bases
8480.30.00	Molding patterns
8480.41.00	Molds for metal or metal carbides, injection or compression types
8480.49.00	Molds for metal or metal carbides other than injection or compression types
8480.50.00	Molds for glass
8480.71.10	Molds for rubber or plastics, injection or compression types, for shoe machinery
8480.71.40	Injection or compression type molds for rubber or plastics for the manufacture of semiconductor devices
8480.71.80	Molds for rubber or plastics, injection or compression types, other than for shoe machinery or for manufacture of semiconductor devices
8481.10.00	Pressure-reducing valves for pipes, boiler shells, tanks, vats or the like
8481.20.00	Valves for oleohydraulic or pneumatic transmissions
8481.30.20	Check valves of iron or steel for pipes, boiler shells, tanks, vats or the like
8481.30.90	Check valves other than of copper or iron or steel, for pipes, boiler shells, tanks, vats or the like
8481.40.00	Safety or relief valves for pipes, boiler shells, tanks, vats or the like
8481.90.90	Parts of taps, cocks, valves and similar appliances for pipes, boiler shells, tanks, vats or the like, nesoi
8482.10.50	Ball bearings other than ball bearings with integral shafts
8482.20.00	Tapered roller bearings, including cone and tapered roller assemblies
8482.30.00	Spherical roller bearings
8482.40.00	Needle roller bearings
8482.50.00	Cylindrical roller bearings nesoi
8482.80.00	Ball or roller bearings nesoi, including combined ball/roller bearings
8482.91.00	Balls, needles and rollers for ball or roller bearings
8482.99.05	Inner or outer rings or races for ball bearings
8482.99.15	Inner or outer rings or races for taper roller bearings
8482.99.25	Inner or outer rings or races for other bearings, nesoi
8482.99.35	Parts of ball bearings (including parts of ball bearings with integral shafts), nesoi
8482.99.45	Parts of tapered roller bearings, nesoi
8482.99.65	Parts of other ball or roller bearings, nesoi
8483.30.40	Bearing housings of the flange, take-up, cartridge and hanger unit type
8483.40.10	Torque converters
8483.40.30	Fixed, multiple and variable ratio speed changers, imported for use with machines for making cellulosic pulp, paper or paperboard
8483.40.80	Ball or roller screws

HTSUS Subheading	Product Description
8483.40.90	Gears and gearing, other than toothed wheels, chain sprockets and other transmission elements entered separately
8483.50.60	Flywheels, nesoi
8483.50.90	Pulleys, including pulley blocks, nesoi
8483.60.40	Clutches and universal joints
8483.90.10	Chain sprockets and parts thereof
8483.90.20	Parts of flange, take-up, cartridge and hanger units
8483.90.30	Parts of bearing housings and plain shaft bearings, nesoi
8483.90.70	Parts of articles of subheading 8483.20
8483.90.80	Parts of transmission equipment, nesoi
8484.10.00	Gaskets and similar joints of metal sheeting combined with other material or of two or more layers of metal
8484.20.00	Mechanical seals
8484.90.00	Sets or assortments of gaskets and similar joints dissimilar in composition, put up in pouches, envelopes or similar packings
8487.10.00	Ships' or boats propellers and blades therefor
8487.90.00	Machinery parts, not containing electrical connectors, insulators, coils, contacts or other electrical features and other parts nesoi
8501.10.40	Electric motors of an output of under 18.65 W, other than synchronous valued not over $4 each
8501.20.20	Universal AC/DC motors of an output exceeding 37.5 W but not exceeding 74.6 W
8501.20.50	Universal AC/DC motors of an output exceeding 735 W but under 746 W
8501.20.60	Universal AC/DC motors of an output of 746 W or more
8501.31.20	DC motors nesoi, of an output exceeding 37.5 W but not exceeding 74.6 W
8501.31.50	DC motors, nesoi, of an output exceeding 735 W but under 746 W
8501.31.60	DC motors nesoi, of an output of 746 W but not exceeding 750 W
8501.32.45	DC motors nesoi, of an output exceeding 14.92 kW but not exceeding 75 kW, used as primary source of mechanical power for electric vehicles
8501.32.55	DC motors nesoi, of an output exceeding 14.92 kW but not exceeding 75 kW, nesoi
8501.33.40	DC motors nesoi, of an output exceeding 150 kW but not exceeding 375 kW
8501.33.60	DC generators of an output exceeding 75 kW but not exceeding 375 kW
8501.34.30	DC motors nesoi, of an output exceeding 375 kW
8501.34.60	DC generators of an output exceeding 375 kW
8501.51.20	AC motors nesoi, multi-phase, of an output exceeding 37.5 W but not exceeding 74.6 W
8501.51.40	AC motors, nesoi, multi-phase, of an output exceeding 74.6 W but not exceeding 735 W
8501.51.50	AC motors, nesoi, multi-phase, of an output exceeding 735 W but under 746 W
8501.51.60	AC motors nesoi, multi-phase of an output of 746 W but not exceeding 750 W
8501.52.80	AC motors nesoi, multi-phase, of an output exceeding 14.92 kW but not exceeding 75 kW
8501.53.40	AC motors nesoi, multi-phase, of an output exceeding 75 kW but under 149.2 kW
8501.53.80	AC motors nesoi, multi-phase, of an output exceeding 150 kW

HTSUS Subheading	Product Description
8501.62.00	AC generators (alternators) of an output exceeding 75 kVA but not exceeding 375 kVA
8501.63.00	AC generators (alternators) of an output exceeding 375 kVA but not exceeding 750 kVA
8501.64.00	AC generators (alternators) of an output exceeding 750 kVA
8502.11.00	Electric generating sets with compression-ignition internal-combustion piston engines, of an output not exceeding 75 kVA
8502.12.00	Electric generating sets with compression-ignition internal-combustion piston engines, of an output exceeding 75 kVA but not over 375 kVA
8502.13.00	Electric generating sets with compression-ignition internal-combustion piston engines, of an output exceeding 375 kVA
8502.31.00	Wind-powered electric generating sets
8502.39.00	Electric generating sets, nesoi
8502.40.00	Electric rotary converters
8503.00.20	Commutators suitable for use solely or principally with the machines of heading 8501 or 8502
8503.00.35	Parts of electric motors under 18.65 W, stators and rotors
8503.00.45	Stators and rotors for electric generators for use on aircraft
8503.00.65	Stators and rotors for electric motors & generators of heading 8501, nesoi
8503.00.75	Parts of electric motors under 18.65 W, other than commutators, stators or rotors
8503.00.90	Parts for electric generators suitable for use on aircraft
8504.21.00	Liquid dielectric transformers having a power handling capacity not exceeding 650 kVA
8504.22.00	Liquid dielectric transformers having a power handling capacity exceeding 650 kVA but not exceeding 10,000 kVA
8504.23.00	Liquid dielectric transformers having a power handling capacity exceeding 10,000 kVA
8504.32.00	Electrical transformers other than liquid dielectric, having a power handling capacity exceeding 1 kVA but not exceeding 16 kVA
8504.33.00	Electrical transformers other than liquid dielectric, having a power handling capacity exceeding 16 kVA but not exceeding 500 kVA
8504.34.00	Electrical transformers other than liquid dielectric, having a power handling capacity exceeding 500 kVA
8504.40.40	Electrical speed drive controllers for electric motors (static converters)
8504.90.41	Parts of power supplies (other than printed circuit assemblies) for automatic data processing machines or units thereof of heading 8471
8504.90.65	Printed circuit assemblies of the goods of subheading 8504.40 or 8504.50 for telecommunication apparatus
8504.90.75	Printed circuit assemblies of electrical transformers, static converters and inductors, nesoi
8504.90.96	Parts (other than printed circuit assemblies) of electrical transformers, static converters and inductors
8505.19.10	Flexible permanent magnets, other than of metal
8505.20.00	Electromagnetic couplings, clutches and brakes
8505.90.30	Electromagnetic lifting heads
8505.90.40	Electromagnetic or permanent magnet work holders and parts thereof

HTSUS Subheading	Product Description
8505.90.70	Electromagnets used for MRI
8505.90.75	Other electromagnets and parts thereof, and parts of related electromagnetic articles nesoi
8506.40.10	Silver oxide primary cells and primary batteries having an external volume not exceeding 300 cubic cm
8506.40.50	Silver oxide primary cells and primary batteries having an external volume exceeding 300 cubic cm
8506.50.00	Lithium primary cells and primary batteries
8506.60.00	Air-zinc primary cells and primary batteries
8506.90.00	Parts of primary cells and primary batteries
8507.90.80	Parts of storage batteries, including separators therefor, other than parts of lead-acid storage batteries
8514.10.00	Resistance heated industrial or laboratory furnaces and ovens
8514.20.60	Industrial or laboratory microwave ovens, nesoi
8514.20.80	Industrial or laboratory furnaces and ovens (other than microwave) functioning by induction or dielectric loss
8514.30.10	Industrial furnaces and ovens for making printed circuits or printed circuit assemblies
8514.30.90	Industrial or laboratory electric industrial or laboratory furnaces and ovens nesoi
8514.40.00	Industrial or laboratory induction or dielectric heating equipment nesoi
8514.90.80	Parts of industrial or laboratory electric furnaces and ovens and other industrial or laboratory induction or dielectric heating equipment
8515.11.00	Electric soldering irons and guns
8515.19.00	Electric brazing or soldering machines and apparatus, other than soldering irons and guns
8515.21.00	Electric machines and apparatus for resistance welding of metal, fully or partly automatic
8515.29.00	Electric machines and apparatus for resistance welding of metal, other than fully or partly automatic
8515.31.00	Electric machines and apparatus for arc (including plasma arc) welding of metals, fully or partly automatic
8515.39.00	Electric machines and apparatus for arc (including plasma arc) welding of metals, other than fully or partly automatic
8515.80.00	Electric welding apparatus nesoi, and electric machines and apparatus for hot spraying metals or sintered metal carbides
8515.90.20	Parts of electric welding machines and apparatus
8515.90.40	Parts of electric soldering or brazing machines & apparatus, & electric apparatus for hot spraying of metals or sintered metal carbides
8525.50.70	Transmission apparatus for radiobroadcasting
8525.60.10	Transceivers
8525.60.20	Transmission apparatus incorporating reception apparatus, other than transceivers
8525.80.10	Television cameras, gyrostabilized
8525.80.20	Television cameras, studio type, other than shoulder-carried or other portable cameras
8526.10.00	Radar apparatus

HTSUS Subheading	Product Description
8430.31.00	Self-propelled coal or rock cutters and tunneling machinery
8430.39.00	Coal or rock cutters and tunneling machinery, not self-propelled
8430.41.00	Self-propelled boring or sinking machinery
8430.49.80	Boring or sinking machinery, not self-propelled, nesoi
8430.50.50	Self-propelled machinery for working earth, minerals or ores, nesoi
8430.61.00	Tamping or compacting machinery, not self-propelled
8430.69.01	Machinery for working earth, minerals or ores, not self-propelled, nesoi
8431.10.00	Parts suitable for use solely or principally with the machinery of heading 8425
8431.20.00	Parts suitable for use solely or principally with the machinery of heading 8427
8431.31.00	Parts suitable for use solely or principally with passenger or freight elevators other than continuous action, skip hoists or escalators
8431.39.00	Parts suitable for use solely or principally with the machinery of heading 8428, nesoi
8431.41.00	Buckets, shovels, grabs and grips suitable for use solely or principally with the machinery of headings 8426, 8429, or 8430
8431.42.00	Bulldozer or angledozer blades suitable for use solely or principally with the machinery of heading 8426, 8429 or 8430
8431.43.40	Parts for offshore oil & natural gas, drilling and production platforms
8431.43.80	Parts for boring or sinking machinery of 8430.41 or 8430.49, nesoi
8431.49.10	Parts suitable for use solely or principally with the machinery of heading 8426, nesoi
8431.49.90	Parts suitable for use solely or principally with the machinery of heading 8429 or 8430, nesoi
8432.10.00	Plows for soil preparation or cultivation
8432.21.00	Disc harrows for soil preparation or cultivation
8432.80.00	Agricultural, horticultural or forestry machinery for soil preparation or cultivation, nesoi; lawn or sports ground rollers
8432.90.00	Parts of agricultural, horticultural or forestry machinery for soil preparation or cultivation; parts of lawn or sports ground rollers
8433.20.00	Mowers nesoi, including cutter bars for tractor mounting
8433.30.00	Haymaking machinery other than mowers
8433.40.00	Straw or fodder balers, including pick-up balers
8433.51.00	Combine harvester-threshers
8433.52.00	Threshing machinery other than combine harvester-threshers
8433.53.00	Root or tuber harvesting machines
8433.59.00	Harvesting machinery or threshing machinery, nesoi
8433.60.00	Machines for cleaning, sorting or grading eggs, fruit or other agricultural produce
8433.90.50	Parts for machinery of heading 8433, nesoi
8434.20.00	Dairy machinery other than milking machines
8434.90.00	Parts for milking machines and dairy machinery
8436.10.00	Machinery for preparing animal feeds
8436.21.00	Poultry incubators and brooders
8436.29.00	Poultry-keeping machinery
8436.80.00	Agricultural, horticultural, forestry or bee-keeping machinery, nesoi

HTSUS Subheading	Product Description
8526.91.00	Radio navigational aid apparatus, other than radar
8526.92.50	Radio remote control apparatus other than for video game consoles
8527.99.15	Radio receivers, NESOI
8527.99.40	Reception apparatus for radiobroadcasting, NESOI
8529.10.40	Radar, radio navigational aid and radio remote control antennas and antenna reflectors, and parts suitable for use therewith
8529.90.05	PCBs and ceramic substrates and subassemblies thereof, for color TV, with components listed in add. US note 4, chap. 85
8529.90.06	PCBs and ceramic substrates and subassemblies thereof, for color TV, not with components listed in add. US note 4, chap. 85
8529.90.09	Printed circuit assemblies for television cameras
8529.90.16	Printed circuit assemblies which are subassemblies of radar, radio nav. aid or remote control apparatus, of 2 or more parts joined together
8529.90.19	Printed circuit assemblies, nesoi, for radar, radio navigational aid or radio remote control apparatus
8529.90.22	Other printed circuit assemblies suitable for use solely or principally with the apparatus of headings 8525 to 8528, nesoi
8529.90.24	Transceiver assemblies for the apparatus of subheading 8526.10, other than printed circuit assemblies
8529.90.29	Tuners for television apparatus, other than printed circuit assemblies
8529.90.33	Subassies w/2 or more PCBs or ceramic substrates, as spec'd in add. US note 9 ch. 85, for color TV, w/components in add. US note 4, ch. 85
8529.90.46	Combinations of PCBs and ceramic substrates and subassemblies thereof for color TV, w/components listed in add. U.S. note 4, chap. 85
8529.90.63	Parts of printed circuit assemblies (including face plates and lock latches) for television cameras
8529.90.68	Parts of printed circuit assemblies (including face plates and lock latches) for television apparatus other than television cameras
8529.90.73	Parts of printed circuit assemblies (including face plates and lock latches) for radar, radio navigational aid or radio remote control app.
8529.90.78	Mounted lenses for use in closed circuit television cameras, separately imported, w/ or w/o attached elec. Connectors or motors
8529.90.81	Other parts of television cameras, nesoi
8529.90.83	Other parts of television apparatus (other than television cameras), nesoi
8529.90.89	Subassies w/2 or more PCBs or ceramic substrates, exc. tuners or converg. ass'ies, for color TV, not w/components in add. US note 4, ch. 85
8529.90.93	Parts of television apparatus, nesoi
8529.90.95	Assemblies and subassemblies of radar, radio navigational aid or remote control apparatus, of 2 or more parts joined together, nesoi
8529.90.97	Parts suitable for use solely or principally in radar, radio navigational aid or radio remote control apparatus, nesoi
8529.90.99	Parts suitable for use solely or principally with the apparatus of headings 8525 to 8528, nesoi
8530.10.00	Electrical signaling, safety or traffic control equipment for railways, streetcar lines or subways

HTSUS Subheading	Product Description
8530.80.00	Electrical signaling, safety or traffic control equipment for roads, inland waterways, parking facilities, port installations or airfields
8530.90.00	Parts for electrical signaling, safety or traffic control equipment
8532.10.00	Fixed electrical capacitors designed for use in 50/60 Hz circuits and having a reactive power handling capacity of not less than 0.5 kvar
8532.21.00	Tantalum fixed capacitors
8532.22.00	Aluminum electrolytic fixed capacitors
8532.23.00	Ceramic dielectric fixed capacitors, single layer
8532.24.00	Ceramic dielectric fixed capacitors, multilayer
8532.25.00	Dielectric fixed capacitors of paper or plastics
8532.29.00	Fixed electrical capacitors, nesoi
8532.30.00	Variable or adjustable (pre-set) electrical capacitors
8532.90.00	Parts of electrical capacitors, fixed, variable or adjustable (pre-set)
8533.10.00	Electrical fixed carbon resistors, composition or film types
8533.21.00	Electrical fixed resistors, other than composition or film type carbon resistors, for a power handling capacity not exceeding 20 W
8533.29.00	Electrical fixed resistors, other than composition or film type carbon resistors, for a power handling capacity exceeding 20 W
8533.31.00	Electrical wirewound variable resistors, including rheostats and potentiometers, for a power handling capacity not exceeding 20 W
8533.40.40	Metal oxide resistors
8533.40.80	Electrical variable resistors, other than wirewound, including rheostats and potentiometers
8533.90.80	Other parts of electrical resistors, including rheostats and potentiometers, nesoi
8535.10.00	Fuses, for a voltage exceeding 1,000 V
8535.21.00	Automatic circuit breakers, for a voltage of less than 72.5 kV, but exceeding 1,000 V
8535.29.00	Automatic circuit breakers, for a voltage of 72.5 kV or more
8535.30.00	Isolating switches and make-and-break switches, for a voltage exceeding 1,000 V
8535.90.40	Electrical motor starters and electrical motor overload protector, for a voltage exceeding 1,000 V
8535.90.80	Electrical apparatus nesoi for switching, protecting, or making connections for electrical circuits, for a voltage exceeding 1,000 V, nesoi
8536.10.00	Fuses, for a voltage not exceeding 1,000 V
8536.20.00	Automatic circuit breakers, for a voltage not exceeding 1,000 V
8536.30.40	Electrical motor overload protectors, for a voltage not exceeding 1,000 V, nesoi
8536.41.00	Relays for switching, protecting or making connections to or in electrical circuits, for a voltage not exceeding 60 V
8536.49.00	Relays for switching, protecting or making connections to or in electrical circuits, for a voltage exceeding 60 but not exceeding 1,000 V
8536.50.40	Electrical motor starters (which are switches), for a voltage not exceeding 1,000 V
8536.50.90	Switches nesoi, for switching or making connections to or in electrical circuits, for a voltage not exceeding 1,000 V

HTSUS Subheading	Product Description
8536.69.40	Connectors: coaxial, cylindrical multicontact, rack and panel, printed circuit, ribbon or flat cable, for a voltage not exceeding 1,000 V
8536.90.40	Electrical terminals, electrical splicers and electrical couplings, wafer probers, for a voltage not exceeding 1,000 V
8536.90.85	Other electrical apparatus nesoi, for switching or making connections to or in electrical circuits, for a voltage not exceeding 1,000 V, nesoi
8537.10.60	Boards, panels, etc., equipped with apparatus for electric control, for a voltage not exceeding 1,000, motor control centers
8537.10.80	Touch screens without display capabilities for incorporation in apparatus having a display
8537.20.00	Boards, panels, consoles, desks, cabinets and other bases, equipped with apparatus for electric control, for a voltage exceeding 1,000 V
8538.10.00	Parts of boards, panels, consoles, desks, cabinets and other bases for the goods of heading 8537, not equipped with their apparatus
8538.90.40	Parts for articles of 8535.90.40, 8536.30.40 or 8536.50.40, of ceramic or metallic materials, mech. or elec. reactive to changes in temp.
8538.90.60	Molded parts nesoi, suitable for use solely or principally with the apparatus of heading 8535, 8536 or 8537
8538.90.81	Other parts nesoi, suitable for use solely or principally with the apparatus of heading 8535, 8536 or 8537
8539.41.00	Arc lamps
8539.90.00	Parts of electrical filament or discharge lamps
8540.79.10	Klystron tubes
8540.79.20	Microwave tubes (other than magnetrons or klystrons) excluding grid-controlled tubes
8540.89.00	Thermionic, cold cathode or photocathode tubes, nesoi
8541.21.00	Transistors, other than photosensitive transistors, with a dissipation rating of less than 1 W
8541.29.00	Transistors, other than photosensitive transistors, with a dissipation rating of 1 W or more
8541.30.00	Thyristors, diacs and triacs, other than photosensitive devices
8541.40.20	Light-emitting diodes (LED's)
8541.40.70	Photosensitive transistors
8541.40.80	Photosensitive semiconductor devices nesoi, optical coupled isolators
8541.40.95	Photosensitive semiconductor devices nesoi, other
8541.50.00	Semiconductor devices other than photosensitive semiconductor devices, nesoi
8541.60.00	Mounted piezoelectric crystals
8541.90.00	Parts of diodes, transistors, similar semiconductor devices, photosensitive semiconductor devices, LED's and mounted piezoelectric crystals
8543.10.00	Electrical particle accelerators
8543.20.00	Electrical signal generators
8543.30.20	Electrical machines and apparatus for electroplating, electrolysis, or electrophoresis for making printed circuits

HTSUS Subheading	Product Description
8543.30.90	Other electrical machines and apparatus for electroplating, electrolysis, or electrophoresis
8543.70.20	Physical vapor deposition apparatus, nesoi
8543.70.42	Flight data recorders
8543.70.60	Electrical machines and apparatus nesoi, designed for connection to telegraphic or telephonic apparatus, instruments or networks
8543.70.80	Microwave amplifiers
8543.70.95	Touch screens without display capabilities for incorporation in apparatus having a display
8543.70.97	Plasma cleaner machines that remove organic contaminants from electron microscopy specimens and holders
8543.90.12	Parts of physical vapor deposition apparatus of subheading 8543.70
8543.90.15	Assemblies and subassemblies for flight data recorders, consisting of 2 or more parts pieces fastened together, printed circuit assemblies
8543.90.35	Assemblies and subassemblies for flight data recorders, consisting of 2 or more parts pieces fastened together, not printed circuit assys.
8543.90.65	Printed circuit assemblies of flat panel displays other than for reception apparatus for television of heading 8528
8543.90.68	Printed circuit assemblies of electrical machines and apparatus, having individual functions, nesoi
8544.11.00	Insulated (including enameled or anodized) winding wire, of copper
8544.19.00	Insulated (including enameled or anodized) winding wire, other than of copper
8544.30.00	Insulated ignition wiring sets and other wiring sets of a kind used in vehicles, aircraft or ships
8544.49.30	Insulated electric conductors nesoi, of copper, for a voltage not exceeding 1,000 V, not fitted with connectors
8544.49.90	Insulated electric conductors nesoi, not of copper, for a voltage not exceeding 1,000 V, not fitted with connectors
8544.60.20	Insulated electric conductors nesoi, for a voltage exceeding 1,000 V, fitted with connectors
8544.60.40	Insulated electric conductors nesoi, of copper, for a voltage exceeding 1,000 V, not fitted with connectors
8544.70.00	Optical fiber cables made up of individually sheathed fibers
8601.10.00	Rail locomotives powered from an external source of electricity
8603.10.00	Self-propelled railway or tramway coaches, vans and trucks (o/than those of 8604), powered from an external source of electricity
8603.90.00	Self-propelled railway or tramway coaches, vans and trucks (o/than those of 8604), o/than powered from an external source of electricity
8604.00.00	Railway or tramway maintenance or service vehicles, whether or not self-propelled
8607.12.00	Parts of railway/tramway locomotives/rolling stock, truck assemblies for other than self-propelled vehicles
8607.19.06	Parts of railway/tramway locomotives/rolling stock, parts of axles
8607.19.12	Parts of railway/tramway locomotives/rolling stock, wheels, whether or not fitted with axles

HTSUS Subheading	Product Description
8607.19.15	Parts of railway/tramway locomotives/rolling stock, parts of wheels
8607.19.90	Parts of railway/tramway locomotives/rolling stock, parts of truck assemblies for self-propelled vehicles or for non-self-propelled nesoi
8607.21.10	Parts of railway/tramway locomotives/rolling stock, air brakes & parts thereof for non-self-propelled passenger coaches or freight cars
8607.21.50	Parts of railway/tramway locomotives/rolling stock, air brakes & parts thereof for self-propelled vehicles or non-self-propelled stock nesoi
8607.29.10	Parts of railway/tramway locomotives/rolling stock, pts of brakes (o/than air brakes) for non-self-propelled passenger coaches or freight
8607.29.50	Parts of railway/tramway locomotives/rolling stock, pts of brakes (o/th air brakes) for self-propelled vehicles or non-self-propelled nesoi
8607.91.00	Parts, nesoi, of railway/tramway locomotives
8607.99.10	Parts (o/than brake regulators) nesoi, of railway/tramway, non-self-propelled passenger coaches or freight cars
8607.99.50	Parts, nesoi, of railway or tramway rolling stock, nesoi
8608.00.00	Railway or tramway track fixtures and fittings; mechanical signaling, safety or traffic control equipment of all kinds nesoi; parts thereof
8701.10.01	Single axle tractors, other than tractors of 8709
8701.30.10	Track-laying tractors, suitable for agricultural use
8702.10.31	Motor vehicles w/diesel engine, to transport 16 or more persons, incl driver
8702.10.61	Motor vehicles w/diesel engine, to transport 10 to 15 persons, incl driver
8702.20.31	Motor vehicles w/diesel engine & electric motor, to transport 16 or more persons, incl driver
8702.20.61	Motor vehicles w/diesel engine & electric motor, to transport 10 to 15 persons, incl driver
8702.30.31	Motor vehicles w/spark-ign. IC recip. piston engine & electric motor, to transport 16 or more persons, incl driver
8702.30.61	Motor vehicles w/spark-ign. IC recip. piston engine & electric motor, to transport 10 to 15 persons, incl driver
8702.40.31	Motor vehicles w/electric motor, to transport 16 or more persons, incl driver
8702.40.61	Motor vehicles w/electric motor, to transport 10 to 15 persons, incl driver
8702.90.31	Motor vehicles nesoi, to transport 16 or more persons, incl driver
8702.90.61	Motor vehicles nesoi, to transport 10 to 15 persons, incl driver
8703.21.01	Motor vehicles to transport persons, w/spark-ign. IC recip. piston engine, w/cyl capacity <= 1, 000 cc
8703.22.01	Motor vehicles to transport persons, w/spark-ign. IC recip. piston engine, w/cyl capacity > 1, 000cc but <=1, 500cc
8703.23.01	Motor vehicles to transport persons, w/spark-ign. IC recip. piston engine, w/cyl capacity >1, 500cc but <=3, 000cc
8703.24.01	Motor vehicles to transport persons, w/spark-ign. IC recip. piston engine, w/cyl capacity >3, 000cc
8703.31.01	Motor vehicles to transport persons, w/diesel engines, of a cylinder capacity <= 1, 500cc

HTSUS Subheading	Product Description
8703.32.01	Motor vehicles to transport persons, w/diesel engines, of a cylinder capacity > 1, 500cc but <= 2, 500cc
8703.33.01	Motor vehicles to transport persons, w/diesel engines, of a cylinder capacity > 2, 500cc
8703.40.00	Motor vehicles to transport persons, w/spark-ign. IC recip. piston engine & elec motor incapable of charge by plug to external source
8703.50.00	Motor vehicles to transport persons, w/diesel engine & elec motor incapable of charge by plug to external source
8703.60.00	Motor vehicles to transport persons, w/spark-ign. IC recip. piston engine & elec motor capable of charge by plug to external source
8703.70.00	Motor vehicles to transport persons, w/diesel engine & elec motor capable of charge by plug to external source
8703.80.00	Motor vehicles to transport persons, w/electric motor for propulsion
8703.90.01	Motor vehicles to transport persons, nesoi
8704.10.10	Mtr. vehicles for transport of goods, cab chassis for dumpers designed for off-highway use
8704.10.50	Mtr. vehicles for transport of goods, complete dumpers designed for off-highway use
8704.21.00	Mtr. vehicles for transport of goods, w/compress.-ign. int. combust. recip. piston engine, w/G.V.W. not over 5 metric tons
8704.22.10	Mtr. vehicles for transport of goods, cab chassis, w/compress.-ign. int. combust. recip. piston engine, w/G.V.W. o/5 but n/o 20 metric tons
8704.22.50	Mtr. vehicl. for transport of goods (o/than cab chassis), w/compress.-ign. int. combust. recip. piston engine, w/G.V.W. o/5 but n/o 20 mtons
8704.23.00	Mtr. vehicles for transport of goods, w/compress.-ign. int. combust. recip. piston engine, w/G.V.W. over 20 metric tons
8704.31.00	Mtr. vehicles for transport of goods, w/spark.-ign. int. combust. recip. piston engine, w/G.V.W. not over 5 metric tons
8704.32.00	Mtr. vehicles for transport of goods, w/spark.-ign. int. combust. recip. piston engine, w/G.V.W. over 5 metric tons
8705.30.00	Mtr. vehicles (o/than for transport of persons or of goods), fire fighting vehicles
8705.40.00	Mtr. vehicles (o/than for transport of persons or of goods), concrete mixers
8706.00.25	Chassis fitted w/engines, for mtr. vehicles of heading 8705
8706.00.30	Chassis fitted w/engines, for tractors suitable for agricultural use
8709.11.00	Electrical, self-propelled, works trucks, not fitted w/lift. equip. and tractors of type used on railway station platforms
8709.19.00	Non-electrical, self-propelled, works trucks, not fitted w/lift. equip. and tractors of type used on railway station platforms
8709.90.00	Parts of self-propelled works trucks, not fitted w/lift. equip. and tractors of the type used on railway station platforms
8711.50.00	Motorcycles (incl. mopeds) and cycles, fitted w/recip. internal-combustion piston engine w/capacity o/800 cc
8802.11.00	Helicopters, with an unladen weight not over 2,000 kg
8802.12.00	Helicopters, with an unladen weight over 2,000 kg
8802.20.00	Airplanes and other powered aircraft, nesoi, with an unladen weight not over 2,000 kg

HTSUS Subheading	Product Description
8802.30.00	Airplanes and other powered aircraft, nesoi, with an unladen weight over 2,000 kg but not over 15,000 kg
8802.40.00	Airplanes and other powered aircraft, nesoi, with an unladen weight over 15,000 kg
8802.60.30	Communication satellites
8802.60.90	Spacecraft, including satellites (o/than communication satellites), and suborbital and spacecraft launch vehicles
8803.10.00	Parts of airplanes and other aircraft, propellers and rotors and parts thereof
8803.20.00	Parts of airplanes and other aircraft, undercarriages and parts thereof
8803.30.00	Parts of airplanes and helicopters, nesoi
8803.90.30	Parts of communication satellites
8803.90.90	Parts of aircraft (o/than airplanes and helicopters), spacecraft (o/than comm. satell.) and suborbital and launch vehicles, nesoi
8805.10.00	Aircraft launching gear and parts thereof; deck-arrestors or similar gear and parts thereof
8805.21.00	Air combat ground flying simulators and parts thereof
8805.29.00	Ground flying trainers and parts thereof, other than air combat simulators
8901.10.00	Vessels, designed for the transport of persons, cruise ships, excursion boats and similar vessels; ferry boats of all kinds
8901.20.00	Vessels, designed for the transport of goods, tankers
8901.90.00	Vessels, designed for the transport of goods or for the transport of both persons and goods, nesoi
8902.00.00	Vessels, fishing; factory ships and other vessels for processing or preserving fishery products
8904.00.00	Vessels, tugs and pusher craft
8905.10.00	Vessels, dredgers
8905.20.00	Floating or submersible drilling or production platforms
8905.90.50	Vessels, light-vessels, fire-floats, floating cranes, & other vessels nesoi, the navigability of which is subsidiary to their main function
8906.90.00	Vessels (including lifeboats other than row boats), nesoi
8908.00.00	Vessels and other floating structures for breaking up (scrapping)
9002.90.20	Prisms, mounted, for optical uses
9002.90.40	Mirrors, mounted, for optical uses
9002.90.70	Half-tone screens, mounted, designed for use in engraving or photographic processes
9002.90.95	Mounted optical elements, nesoi; parts and accessories of mounted optical elements, nesoi
9011.10.40	Stereoscopic microscopes, provided with a means for photographing the image
9011.10.80	Stereoscopic microscopes, other than those provided with a means for photographing the image
9011.20.40	Microscopes for microphotography, microcinematography or microprojection, provided with a means for photographing the image
9011.90.00	Parts and accessories for compound optical microscopes, including those for microphotography, microcinematography or microprojection
9012.10.00	Microscopes other than optical microscopes; diffraction apparatus

HTSUS Subheading	Product Description
9012.90.00	Parts and accessories for microscopes other than optical microscopes, and for diffraction apparatus
9013.10.45	Telescopes as parts of machines, appliances, etc. of chapter 90 or section XVI
9013.20.00	Lasers, other than laser diodes
9013.80.70	Liquid crystal and other optical flat panel displays other than for articles of heading 8528, nesoi
9014.10.70	Electrical direction finding compasses
9014.20.20	Optical instruments and appliances (other than compasses) for aeronautical or space navigation
9014.20.40	Automatic pilots for aeronautical or space navigation
9014.20.60	Electrical instruments and appliances (other than compasses) for aeronautical or space navigation
9014.20.80	Nonelectrical instruments and appliances (other than compasses) for aeronautical or space navigation
9014.80.10	Optical navigational instruments, nesoi
9014.80.20	Ships' logs and depth-sounding apparatus
9014.80.40	Electrical navigational instruments and appliances, nesoi
9014.80.50	Nonelectrical navigational instruments and appliances, nesoi
9014.90.10	Parts and accessories of automatic pilots for aeronautical or space navigation of subheading 9014.20.40
9014.90.20	Parts and accessories of nonelectrical instruments and appliances for aeronautical or space navigation of subheading 9014.20.80
9014.90.40	Parts and accessories of nonelectrical navigational instruments and appliances nesoi of subheading 9014.80.50
9014.90.60	Parts and accessories of navigational instruments and appliances, nesoi
9015.10.80	Rangefinders, other than electrical
9015.20.40	Electrical theodolites and tachymeters
9015.20.80	Theodolites and tachymeters, other than electrical
9015.40.40	Electrical photogrammetrical surveying instruments and appliances
9015.40.80	Photogrammetrical surveying instruments and appliances, other than electrical
9015.80.20	Optical surveying, hydrographic, oceanographic, hydrological, meteorological or geophysical instruments and appliances, nesoi
9015.80.60	Seismographs
9015.80.80	Surveying, hydrographic, oceanographic, hydrological, meteorological or geophysical instruments and appliances, nesoi, nonoptical
9018.11.30	Electrocardiographs
9018.11.60	Printed circuit assemblies for electrocardiographs
9018.11.90	Parts and accessories of electrocardiographs, other than printed circuit assemblies
9018.12.00	Ultrasonic scanning electro-diagnostic apparatus used in medical, surgical, dental or veterinary sciences
9018.13.00	Magnetic resonance imaging electro-diagnostic apparatus used in medical, surgical, dental or veterinary sciences
9018.14.00	Scintigraphic electro-diagnostic apparatus used in medical, surgical, dental or veterinary sciences

HTSUS Subheading	Product Description
9018.19.40	Electro-diagnostic apparatus for functional exploratory examination, and parts and accessories thereof
9018.19.55	Electro-diagnostic patient monitoring systems
9018.19.75	Printed circuit assemblies for electro-diagnostic parameter acquisition modules
9018.19.95	Electro-diagnostic apparatus nesoi, and parts and accessories thereof nesoi
9018.20.00	Ultraviolet or infrared ray apparatus used in medical, surgical, dental or veterinary sciences, and parts and accessories thereof
9018.90.20	Optical instruments and appliances nesoi, used in medical, surgical, dental or veterinary sciences, and parts and accessories thereof
9018.90.30	Anesthetic instruments and appliances nesoi, used in medical, surgical, dental or veterinary sciences, and parts and accessories thereof
9018.90.60	Electro-surgical instruments and appliances nesoi, other than extracorporeal shock wave lithotripters and parts and accessories thereof
9018.90.75	Electro-medical instruments and appliances nesoi, and parts and accessories thereof
9021.50.00	Pacemakers for stimulating heart muscles, excluding parts and accessories thereof
9022.12.00	Computed tomography apparatus based on the use of X-rays
9022.13.00	Apparatus based on the use of X-rays for dental uses (other than computed tomography apparatus)
9022.14.00	Apparatus based on the use of X-rays for medical, surgical or veterinary uses (other than computed tomography apparatus)
9022.19.00	Apparatus based on the use of X-rays other than for medical, surgical, dental or veterinary use
9022.21.00	Apparatus based on the use of alpha, beta or gamma radiations, for medical, surgical, dental or veterinary use
9022.29.80	Apparatus based on the use of alpha, beta or gamma radiations, other than for medical, surgical, dental or veterinary use, nesoi
9022.30.00	X-ray tubes
9022.90.05	Radiation generator units
9022.90.15	Radiation beam delivery units
9022.90.25	X-ray generators, high tension generators, desks, screens, examination or treatment tables, chairs and similar apparatus, nesoi
9022.90.40	Parts and accessories of X-ray tubes
9022.90.60	Parts and accessories of apparatus based on the use of X-rays
9022.90.95	Parts and accessories of apparatus based on the use of alpha, beta or gamma radiations
9024.10.00	Machines and appliances for testing the mechanical properties of metals
9024.80.00	Machines and appliances for testing the mechanical properties of materials other than metals
9024.90.00	Parts and accessories of machines and appliances for testing the hardness, strength, compressibility, or other properties of materials
9026.10.20	Electrical instruments and apparatus for measuring or checking the flow or level of liquids
9026.20.40	Electrical instruments and apparatus for measuring or checking the pressure of liquids or gases

HTSUS Subheading	Product Description
9026.80.20	Electrical instruments and apparatus for measuring or checking variables of liquids or gases, nesoi
9026.90.20	Parts and accessories of electrical instruments and apparatus for measuring or checking variables of liquids or gases
9026.90.40	Parts and accessories of nonelectrical flow meters, heat meters incorporating liquid supply meters and anemometers
9026.90.60	Parts and accessories of nonelectrical instruments and apparatus for measuring or checking variables of liquids or gases, nesoi
9027.20.50	Electrical chromatographs and electrical electrophoresis instruments
9027.20.80	Nonelectrical chromatographs
9027.30.40	Electrical spectrometers, spectrophotometers and spectrographs using optical radiations (ultraviolet, visible, infrared)
9027.30.80	Nonelectrical spectrometers, spectrophotometers and spectrographs using optical radiations (ultraviolet, visible, infrared)
9027.50.10	Exposure meters
9027.50.40	Electrical instruments and apparatus using optical radiations (ultraviolet, visible, infrared), nesoi
9027.50.80	Nonelectrical instruments and apparatus using optical radiations (ultraviolet, visible, infrared), nesoi
9027.80.25	Nuclear magnetic resonance instruments
9027.80.45	Electrical instruments and apparatus for physical or chemical analysis, measuring viscosity, checking heat, sound, light, etc., nesoi
9027.80.80	Nonelectrical instruments and apparatus for physical or chemical analysis, measuring viscosity, checking heat, sound or light, nesoi
9027.90.45	Printed circuit assemblies for instruments and apparatus of subheading 9027.80
9027.90.54	Parts and accessories of electrophoresis instruments not incorporating an optical or other measuring device
9027.90.56	Parts and accessories of electrical instruments and apparatus of subheading 9027.20, 9027.30, 9027.50 or 9027.80
9027.90.59	Other parts and accessories of other electrical instruments and apparatus of heading 9027, nesoi
9027.90.64	Parts and accessories of nonelectrical optical instruments and apparatus of subheading 9027.20, 9027.30, 9027.40, 9027.50 or 9027.80
9027.90.84	Parts and accessories of nonelectrical nonoptical instruments and apparatus of heading 9027.20, 9027.30, 9027.40, 9027.50 or 9027.80
9027.90.88	Parts and accessories of nonelectrical instruments and apparatus of heading 9027, nesoi
9028.90.00	Parts and accessories for gas, liquid or electricity supply or production meters
9030.10.00	Instruments and apparatus for measuring or detecting ionizing radiations
9030.20.05	Oscilloscopes and oscillographs, specially designed for telecommunications
9030.33.34	Resistance measuring instruments
9030.33.38	Other instruments and apparatus, nesoi, for measuring or checking electrical voltage, current, resistance or power, without a recording device
9030.39.01	Instruments and apparatus, nesoi, for measuring or checking electrical voltage, current, resistance or power, with a recording device

HTSUS Subheading	Product Description
9030.40.00	Instruments and apparatus specially designed for telecommunications
9030.82.00	Instruments and apparatus for measuring or checking electrical quantities, nesoi: for measuring or checking semiconductor wafers or devices
9030.90.25	Printed circuit assemblies for instruments and apparatus for measuring or detecting ionizing radiation
9030.90.46	Parts and accessories for instruments and apparatus for measuring or detecting ionizing radiation, nesoi
9030.90.66	Printed circuit assemblies for subheadings and apparatus of 9030.40 & 9030.82
9030.90.68	Printed circuit assemblies, NESOI
9030.90.84	Parts and accessories for instruments and apparatus for measuring or checking semiconductor wafers or devices, nesoi
9030.90.89	Parts and accessories for articles of subheadings 9030.20 to 9030.40, 9030.83 and 9030.89, nesoi
9031.10.00	Machines for balancing mechanical parts
9031.20.00	Test benches
9031.41.00	Optical measuring/checking instruments/appliances for inspecting semiconductor wafers/devices or photomasks/reticle used to mfg such devices
9031.49.10	Profile projectors
9031.49.40	Optical coordinate-measuring machines, nesoi
9031.49.70	Optical instrument & appliance: to inspect masks (not photomask) used to mfg semiconductor devices; to measure contamination on such devices
9031.49.90	Other optical measuring or checking instruments, appliances and machines, nesoi
9031.80.40	Electron beam microscopes fitted with equipment specifically designed for the handling and transport of semiconductor devices or reticles
9031.80.80	Measuring and checking instruments, appliances and machines, nesoi
9031.90.21	Parts and accessories of profile projectors
9031.90.54	Parts & accessories of measuring & checking optical instruments & appliances of subheading 9031.41 or 9031.49.70
9031.90.59	Parts & accessories of measuring & checking optical instruments & appliances, other than test benches or profile projectors, nesoi
9031.90.70	Parts and accessories of articles of subheading 9031.80.40
9031.90.91	Parts and accessories of measuring or checking instruments, appliances and machines, nesoi
9032.10.00	Automatic thermostats
9032.20.00	Automatic manostats
9032.81.00	Hydraulic and pneumatic automatic regulating or controlling instruments and apparatus
9032.89.20	Automatic voltage and voltage-current regulators, designed for use in a 6, 12, or 24 V system
9032.89.40	Automatic voltage and voltage-current regulators, not designed for use in a 6, 12, or 24 V system
9032.89.60	Automatic regulating or controlling instruments and apparatus, nesoi
9032.90.21	Parts and accessories of automatic voltage and voltage-current regulators designed for use in a 6, 12, or 24 V system, nesoi

HTSUS Subheading	Product Description
9032.90.41	Parts and accessories of automatic voltage and voltage-current regulators, not designed for use in a 6, 12, or 24 V system, nesoi
9032.90.61	Parts and accessories for automatic regulating or controlling instruments and apparatus, nesoi
9033.00.20	LEDs for backlighting of LCDs
9033.00.30	Touch screens without display capabilities for incorporation in apparatus having a display
9033.00.90	Other parts and accessories for machines, appliances, instruments or apparatus of chapter 90, nesoi

ANNEX C

Note: All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTSUS) that are listed in this Annex are covered by the proposed action. The product descriptions that are contained in this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of particular HTSUS subheadings should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation "nesoi" means "not elsewhere specified or included".

HTSUS Subheading	Product Description
2710.19.30	Lubricating oils, w/or w/o additives, fr. petro oils and bitumin minerals (o/than crude) or preps. 70%+ by wt. fr. petro oils
2710.19.35	Lubricating greases from petro oil/bitum min/70%+ by wt. fr. petro. oils but n/o 10% by wt. of fatty acid salts animal/vegetable origin
2710.19.40	Lubricating greases from petro oil/bitum min/70%+ by wt. fr. petro. oils > 10% by wt. of fatty acid salts animal/vegetable origin
3403.19.10	Lubricating preparations containing 50% but less than 70% by weight of petroleum oils or of oils obtained from bituminous minerals
3403.19.50	Lubricating preparations containing less than 50% by weight of petroleum oils or of oils from bituminous minerals
3403.99.00	Lubricating preparations (incl. lubricant-based preparations), nesoi
3811.21.00	Additives for lubricating oils containing petroleum oils or oils obtained from bituminous minerals
3811.29.00	Additives for lubricating oils, nesoi
3901.10.10	Polyethylene having a specific gravity of less than 0.94 and having a relative viscosity of 1.44 or more, in primary forms
3901.10.50	Polyethylene having a specific gravity of less than 0.94, in primary forms, nesoi
3901.20.10	Polyethylene having a specific gravity of 0.94 or more and having a relative viscosity of 1.44 or more, in primary forms
3901.20.50	Polyethylene having a specific gravity of 0.94 or more, in primary forms, nesoi
3901.30.20	Ethylene copolymer: Vinyl acetate-vinyl chloride-ethylene terpoly w/ < 50% deriv of vinyl acetate, exc polymer aromatic/mod arom monomers
3901.30.60	Ethylene-vinyl acetate copolymers, nesoi
3901.90.10	Polymers of ethylene, nesoi, in primary forms, elastomeric
3901.90.55	Ethylene copolymers, in primary forms, other than elastomeric
3901.90.90	Polymers of ethylene, nesoi, in primary forms, other than elastomeric
3902.10.00	Polypropylene, in primary forms
3902.20.10	Polyisobutylene, elastomeric, in primary forms
3902.20.50	Polyisobutylene, other than elastomeric, in primary forms
3902.30.00	Propylene copolymers, in primary forms
3902.90.00	Polymers of propylene or of other olefins, nesoi, in primary forms
3903.11.00	Polystyrene, expandable, in primary forms
3903.19.00	Polystyrene, other than expandable, in primary forms
3903.20.00	Styrene-acrylonitrile (SAN) copolymers, in primary forms

HTSUS Subheading	Product Description
3903.30.00	Acrylonitrile-butadiene-styrene (ABS) copolymers, in primary forms
3903.90.10	Methyl methacrylate-butadiene-styrene (MBS) copolymers, in primary forms
3903.90.50	Polymers of styrene, nesoi, in primary forms
3904.10.00	Polyvinyl chloride, not mixed with any other substances, in primary forms
3904.21.00	Polyvinyl chloride, mixed with other substances, nonplasticized, in primary forms
3904.22.00	Polyvinyl chloride, mixed with other substances, plasticized, in primary forms
3904.30.20	Vinyl chloride copolymer: Vinyl acetate-vinyl chloride-ethylene terpoly w/< 50% deriv vinyl acetate, exc polymer aromatic/mod arom monomers
3904.30.60	Vinyl chloride-vinyl acetate copolymers, nesoi
3904.40.00	Vinyl chloride copolymers nesoi, in primary forms
3904.50.00	Vinylidene chloride polymers, in primary forms
3904.61.00	Polytetrafluoroethylene (PTFE), in primary forms
3904.69.10	Fluoropolymers, elastomeric, other than polytetrafluoroethylene, in primary forms
3904.69.50	Fluoropolymers, other than elastomeric and other than polytetrafluoroethylene, in primary forms
3904.90.10	Polymers of vinyl chloride or of other halogenated olefins, nesoi, in primary forms, elastomeric, in primary forms
3904.90.50	Polymers of vinyl chloride or of other halogenated olefins, nesoi, in primary forms, other than elastomeric, in primary forms
3905.12.00	Polyvinyl acetate, in aqueous dispersion
3905.19.00	Polyvinyl acetate, other than in aqueous dispersion, in primary forms
3905.21.00	Vinyl acetate copolymers, in aqueous dispersion
3905.29.00	Vinyl acetate copolymers, other than in aqueous dispersion, in primary forms
3905.30.00	Polyvinyl alcohols, whether or not containing unhydrolyzed acetate groups, in primary forms
3905.91.10	Copolymers of vinyl esters or other vinyls, in primary forms, containing by weight 50% or more of derivatives of vinyl acetate
3905.91.50	Copolymers of vinyl esters or other vinyls, in primary forms, nesoi
3905.99.80	Polymers of vinyl esters or other vinyl polymers, in primary forms, nesoi
3906.10.00	Polymethyl methacrylate, in primary forms
3906.90.10	Acrylic polymers (except PMMA) in primary forms, elastomeric
3906.90.20	Acrylic plastics polymers (except PMMA), in primary forms, nonelastomeric
3906.90.50	Acrylic polymers (except plastics or elastomers), in primary forms, nesoi
3907.10.00	Polyacetals in primary forms
3907.20.00	Polyethers, other than polyacetals, in primary forms
3907.30.00	Epoxide resins in primary forms
3907.40.00	Polycarbonates in primary forms
3907.50.00	Alkyd resins in primary forms
3907.61.00	Polyethylene terephthalate, having a viscosity number of 78 ml/g or higher
3907.69.00	Polyethylene terephthalate, having a viscosity number less than 78 ml/g
3907.70.00	Poly(lactic acid)
3907.91.20	Unsaturated allyl resins, uncompounded

HTSUS Subheading	Product Description
3907.91.40	Unsaturated allyl resins, nesoi
3907.91.50	Unsaturated polyesters, other than allyl resins in primary forms
3907.99.20	Thermoplastic liquid crystal aromatic polyester copolymers
3907.99.50	Other polyesters nesoi, saturated, in primary forms
3908.10.00	Polyamide-6, -11, -12, -6,6, -6,9, -6,10 or -6,12 in primary form
3908.90.20	Bis(4-amino-3-methylcyclohexyl)methaneisophthalic acid-laurolactam copolymer
3908.90.70	Other polyamides in primary forms
3909.10.00	Urea resins; thiourea resins
3909.20.00	Melamine resins
3909.40.00	Phenolic resins
3909.50.10	Polyurethanes, elastomeric, in primary forms
3909.50.20	Polyurethanes: cements, in primary forms
3909.50.50	Polyurethanes, other than elastomeric or cements, in primary forms
3910.00.00	Silicones in primary forms
3911.10.00	Petroleum resins, coumarone, indene, or coumarone-indene resins and polyterpenes, in primary forms
3911.90.10	Elastomeric polysulfides, polysulfones and other products specified in note 3 to chapter 39, nesoi, in primary forms
3911.90.15	Specified carbodiimide or homopolymer with polyethylene thermoplastic goods
3911.90.25	Thermoplastic polysulfides, polysulfones & oth products spec in note 3, chapt 39, cont aromatic monomer units or derived therefrom
3911.90.35	Benzenamine; and hydrocarbon novolac cyanate ester
3911.90.45	Thermosetting polysulfides, polysulfones & oth products spec in note 3, chapt 39, cont aromatic monomer units or derived therefrom
3911.90.70	Chlorinated synthetic rubber
3911.90.90	Polysulfides, polysulfones & other products specified in note 3 to chapter 39, nesoi
3912.12.00	Cellulose acetates, nesoi, in primary forms, plasticized
3912.20.00	Cellulose nitrates (including collodions), in primary forms
3912.39.00	Cellulose ethers, other than carboxymethylcellulose and its salts, in primary forms
3912.90.00	Cellulose and its chemical derivatives nesoi, in primary forms
3913.10.00	Alginic acid, and its salts and esters, in primary forms
3913.90.10	Chemical derivatives of natural rubber, nesoi, in primary forms
3913.90.50	Natural polymers and modified natural polymers, nesoi, in primary forms
3914.00.20	Cross-linked polyvinylbenzyltrimethylammonium chloride (Cholestyramine resin USP)
3914.00.60	Ion-exchangers based on polymers of headings 3901 to 3913, in primary forms, nesoi
3916.10.00	Monofilament with cross-section dimension over 1 mm, rods, sticks, profile shapes, at most surface-worked, of polymers of ethylene
3916.20.00	Monofilament with cross-section dimension over 1 mm, rods, sticks, profile shapes, at most surface-worked, of polymers of vinyl chloride
3916.90.10	Monofilament with cross-section dimension over 1 mm, rods, sticks, profile shapes, at most surface-worked, of acrylic polymers
3916.90.30	Monafilament nesoi, of plastics, excluding ethylene, vinyl chloride and acrylic polymers

HTSUS Subheading	Product Description
3916.90.50	Rods, sticks and profile shapes, at most surface-worked, of plastics, nesoi
3917.21.00	Tubes, pipes and hoses, rigid, of polymers of ethylene
3917.22.00	Tubes, pipes and hoses, rigid, of polymers of propylene
3917.23.00	Tubes, pipes and hoses, rigid, of polymers of vinyl chloride
3917.29.00	Tubes, pipes and hoses, rigid, of other plastics nesoi
3917.31.00	Flexible plastic tubes, pipes and hoses, having a minimum burst pressure of 27.6 MPa
3917.32.00	Tubes, pipes and hoses, of plastics, other than rigid, not reinforced or otherwise combined with other materials, without fittings
3917.40.00	Fittings of plastics, for plastic tubes, pipes and hoses, nesoi
3919.10.10	Self-adhesive plates, sheets, other flat shapes, of plastics, in rolls n/o 20 cm wide, light-reflecting surface produced by glass grains
3919.10.20	Self-adhesive plates, sheets, other flat shapes, of plastics, in rolls n/o 20 cm wide, not having a light-reflecting glass grain surface
3919.90.10	Self-adhesive plates, sheets, other flat shapes, of plastics, light-reflecting surface produced by glass grains, nesoi
3919.90.50	Self-adhesive plates, sheets, other flat shapes, of plastics, not having a light-reflecting surface produced by glass grains, nesoi
3920.10.00	Nonadhesive plates, sheets, film, foil and strip, noncellular, not reinforced or combined with other materials, of polymers of ethylene
3920.20.00	Nonadhesive plates, sheets, film, foil and strip, noncellular, not reinforced or combined with other materials, of polymers of propylene
3920.30.00	Nonadhesive plates, sheets, film, foil and strip, noncellular, not reinforced or combined with other materials, of polymers of styrene
3920.43.10	Nonadhesive plates/sheets/film/foil/strip made imitation of patent leather, of vinyl chloride polymers, not less 6% plasticizers
3920.43.50	Nonadhesive plate/sheet/film/foil/strip, noncellular, not comb w/other materials, of vinyl chloride polymers, not less 6% plasticizer, nesoi
3920.49.00	Nonadhesive plates, sheets, film, foil, strip, noncellular, not combined w/other materials, of polymers of vinyl chloride, < 6% plasticizers
3920.51.10	Nonadhesive plates, sheets, film, foil and strip, noncellular, not combined with other materials, of polymethyl methacrylate, flexible
3920.51.50	Nonadhesive plates, sheets, film, foil and strip, noncellular, not combined with other materials, of polymethyl methacrylate, not flexible
3920.59.10	Nonadhesive plates, sheets, film, foil and strip, noncellular, not combined with other materials, of acrylic polymers, flexible, nesoi
3920.59.40	Transparent sheeting containing 30% or more by weight of lead
3920.59.80	Plates, sheets, film, etc, noncellular, not reinforced, laminated, combined, of other acrylic polymers, nesoi
3920.61.00	Nonadhesive plates, sheets, film, foil and strip, noncellular, not combined with other materials, of polycarbonates
3920.62.00	Nonadhesive plates, sheets, film, foil and strip, noncellular, not combined with other materials, of polyethylene terephthalate
3920.63.10	Nonadhesive plates, sheets, film, foil and strip, noncellular, not combined with other materials, of unsaturated polyesters, flexible

HTSUS Subheading	Product Description
3920.63.20	Nonadhesive plates, sheets, film, foil and strip, noncellular, not combined with other materials, of unsaturated polyesters, not flexible
3920.69.00	Nonadhesive plates, sheets, film, foil and strip, noncellular, not combined with other materials, of polyesters, nesoi
3920.71.00	Nonadhesive plates, sheets, film, foil and strip, noncellular, not combined with other materials, of regenerated cellulose
3920.73.00	Nonadhesive plates, sheets, film, foil and strip, noncellular, not combined with other materials, of cellulose acetate
3920.79.05	Nonadhesive plates, sheets, film, foil and strip, noncellular, not combined with other materials, of vulcanized fiber
3920.79.10	Nonadhesive films, strips, sheets, noncellular, not combined with other materials, of other cellulose derivatives nesoi, n/o 0.076 mm thick
3920.79.50	Nonadhesive plates, sheets, film, foil and strip, noncellular, not combined with other materials, of cellulose derivatives, nesoi
3920.91.00	Nonadhesive plates, sheets, film, foil and strip, noncellular, not combined with other materials, of polyvinyl butyral
3920.92.00	Nonadhesive plates, sheets, film, foil and strip, noncellular, not combined with other materials, of polyamides
3920.93.00	Nonadhesive plates, sheets, film, foil and strip, noncellular, not combined with other materials, of amino-resins
3920.94.00	Nonadhesive plates, sheets, film, foil and strip, noncellular, not combined with other materials, of phenolic resins
3920.99.10	Nonadhesive film, noncellular, not combined with other materials, of plastics nesoi, flexible, over 0.152mm thick, not in rolls
3920.99.20	Nonadhesive film, strips and sheets, noncellular, not combined with other materials, of plastics nesoi, flexible
3920.99.50	Nonadhesive plates, sheets, film, foil and strip, noncellular, not combined with other materials, of plastics, nesoi
3921.11.00	Nonadhesive plates, sheets, film, foil and strip, cellular, of polymers of styrene
3921.12.11	Nonadhesive plates, sheets, film, foil, strip, cellular, of polymers of vinyl chloride, with man-made textile fibers, over 70% plastics
3921.12.15	Nonadhesive plates, sheets, film, foil, strip, cellular, of polymers of vinyl chloride, with man-made textile fibers, n/o 70% plastics
3921.12.19	Nonadhesive plates, sheets, film, foil and strip, cellular, of polymers of vinyl chloride, combined with textile materials, nesoi
3921.12.50	Nonadhesive plates, sheets, film, foil and strip, cellular, of polymers of vinyl chloride, not combined with textile materials
3921.13.11	Nonadhesive plates, sheets, film, foil and strip, cellular, of polyurethanes, with man-made textile fibers, over 70% plastics
3921.13.15	Nonadhesive plates, sheets, film, foil and strip, cellular, of polyurethanes, with man-made textile fibers, not over 70 percent plastics
3921.13.19	Nonadhesive plates, sheets, film, foil and strip, cellular, of polyurethanes, combined with textile materials nesoi
3921.13.50	Nonadhesive plates, sheets, film, foil and strip, cellular, of polyurethanes, not combined with textile materials, nesoi

HTSUS Subheading	Product Description
3921.14.00	Nonadhesive plates, sheets, film, foil and strip, cellular, of regenerated cellulose
3921.19.00	Nonadhesive plates, sheets, film, foil and strip, cellular, of plastics nesoi
3921.90.11	Nonadhesive plates, sheets, film, foil, strip, of noncellular plastics combined with man-made fibers, n/o 1.492 kg/sq m, over 70% plastics
3921.90.15	Nonadhesive plates, sheets, film, foil, strip, of noncellular plastics combined with man-made fibers, n/o 1.492 kg/sq m, n/o 70% plastics
3921.90.19	Nonadhesive plates, sheets, film, foil and strip, of noncellular plastics combined with textile materials, nesoi, not over 1.492 kg/sq m
3921.90.21	Nonadhesive plates, sheets, film, foil and strip, of noncellular plastics combined with cotton, over 1.492 kg/sq m
3921.90.25	Nonadhesive plates, sheets, film, foil and strip, of noncellular plastics combined with man-made fibers, over 1.492 kg/sq m
3921.90.29	Nonadhesive plates, sheets, film, foil and strip, of noncellular plastics combined with textile materials, nesoi, over 1.492 kg/sq m
3921.90.40	Nonadhesive plates, sheets, film, foil and strip, flexible, nesoi, of noncellular plastics
3921.90.50	Nonadhesive plates, sheets, film, foil and strip, nonflexible, nesoi, of noncellular plastics
7002.20.10	Glass rods of fused quartz or other fused silica, unworked
7308.10.00	Iron or steel, bridges and bridge sections
7308.20.00	Iron or steel, towers and lattice masts
7308.90.30	Iron or steel, not in part alloy steel, columns, pillars, posts, beams and girders
7308.90.60	Iron or steel, columns, pillars, posts, beams and girders, nesoi
7308.90.70	Steel, grating for structures or parts of structures
7308.90.95	Iron or steel, structures (excluding prefab structures of 9406) and parts of structures, nesoi
7614.10.10	Aluminum, stranded wire, cables & the like w/steel core, not electrically insulated, not fitted with fittings & not made up into articles
7614.90.20	Aluminum, elect. conductors of stranded wire, cables & the like (o/than w/steel core), n/elect. insulated, n/fitted w/fittings or articles
8406.82.10	Steam turbines other than for marine propulsion, of an output not exceeding 40 MW
8407.34.05	Spark-ignition reciprocating piston engines used in agricultural tractors, cylinder capacity over 1000 cc to 2000 cc
8407.34.35	Spark-ignition reciprocating piston engines used in agricultural tractors, cylinder capacity over 2000 cc
8407.90.10	Spark-ignition rotary or reciprocating internal-combustion piston engines nesoi, installed in agricultural/horticultural machinery/equipment
8407.90.90	Spark-ignition rotary or reciprocating internal-combustion piston engines, for machinery or equipment nesoi
8408.20.10	Compression-ignition internal-combustion piston engines to be installed in tractors suitable for agricultural use
8419.60.10	Machinery for liquefying air or gas containing brazed aluminum plate-fin heat exchangers
8419.89.10	Machinery and equipment for the treatment of materials (by a process which changes temperatures), for making paper pulp, paper or paperboard

HTSUS Subheading	Product Description
8419.89.95	Industrial machinery, plant or equipment for the treatment of materials, by process involving a change in temperature, nesoi
8420.10.20	Calendering or similar rolling machines for making paper pulp, paper or paperboard
8420.99.10	Parts of calendering or rolling machines for processing textiles
8424.82.00	Agricultural or horticultural projecting or dispersing equipment including irrigation equipment
8424.89.90	Other mechanical appliances for projecting, dispersing or spraying liquids or powders, nesoi
8432.29.00	Harrows (other than disc), scarifiers, cultivators, weeders and hoes for soil preparation or cultivation
8432.31.00	No-till direct seeders, planters and transplanters
8432.39.00	Seeders, planters and transplanters, nesoi
8432.42.00	Fertilizer distributors
8443.99.40	Parts of photocopying apparatus of subheading 8443.39.20 specified in additional U.S. note 4 to this chapter
8455.90.40	Parts for metal-rolling mills, other than rolls, in the form of castings or weldments, individually weighing less than 90 tons
8464.10.01	Sawing machines for working stone, ceramics, concrete, asbestos-cement or like mineral materials or for cold working glass
8465.95.00	Drilling or mortising machines for working wood, cork, bone, hard rubber, hard plastics or similar hard materials
8465.96.00	Splitting, slicing or paring machines for working wood, cork, bone, hard rubber, hard plastics or similar hard materials
8466.30.80	Special attachments for use solely or principally for machine tools of headings 8456 to 8465, nesoi
8473.50.60	Part/accessory (also face plate and lock latch) of printed circuit assemblies suitable for use w/machine of two or more heading 8469 to 8472
8473.50.90	Parts and accessories, nesoi, suitable for use with machines of two or more of the headings 8469 to 8472
8475.29.00	Machines for manufacturing or hot working glass or glassware, nesoi
8483.30.80	Bearing housings nesoi; plain shaft bearings
8486.10.00	Machines and apparatus for the manufacture of boules or wafers
8486.20.00	Machines and apparatus for the manufacture of semiconductor devices or electronic integrated circuits
8486.30.00	Machines and apparatus for the manufacture of flat panel displays
8486.40.00	Machines and apparatus for the manufacture of masks and reticles; for the assembly of electronic integrated circuits;
8486.90.00	Parts and accessories of the machines and apparatus for the manufacture of semiconductor devices, electronic integrated circuits and flat pa
8501.10.20	Electric motors of an output of under 18.65 W, synchronous, valued not over $4 each
8501.10.60	Electric motors of an output of 18.65 W or more but not exceeding 37.5 W
8501.20.40	Universal AC/DC motors of an output exceeding 74.6 W but not exceeding 735 W
8501.31.40	DC motors, nesoi, of an output exceeding 74.6 W but not exceeding 735 W
8501.31.80	DC generators of an output not exceeding 750 W

HTSUS Subheading	Product Description
8501.32.20	DC motors nesoi, of an output exceeding 750 W but not exceeding 14.92 kW
8501.32.60	DC generators of an output exceeding 750 W but not exceeding 75 kW
8501.33.20	DC motors nesoi, of an output exceeding 75 kW but under 149.2 kW
8501.33.30	DC motors, nesoi, 149.2 kW or more but not exceeding 150 kW
8501.52.40	AC motors nesoi, multi-phase, of an output exceeding 750 W but not exceeding 14.92 kW
8501.53.60	AC motors, nesoi, multi-phase, 149.2 kW or more but not exceeding 150 kW
8503.00.95	Other parts, nesoi, suitable for use solely or principally with the machines in heading 8501 or 8502
8507.80.40	Other storage batteries nesoi, of a kind used as the primary source of electrical power for electrically powered vehicles of 8703.90
8507.80.81	Other storage batteries nesoi, other than of a kind used as the primary source of power for electric vehicles
8511.80.20	Voltage and voltage-current regulators with cut-out relays designed for use on 6, 12 or 24 V systems
8511.80.40	Voltage and voltage-current regulators with cut-out relays other than those designed for use on 6, 12 or 24 V systems
8511.90.20	Parts of voltage and voltage-current regulators with cut-out relays, designed for use on 6, 12 or 24 V systems
8511.90.40	Parts of voltage and voltage-current regulators with cut-out relays, other than those designed for use on 6, 12 or 24 V systems
8529.10.91	Other antennas and antenna reflectors of all kinds and parts, for use
8533.90.40	For the goods of subheading 8533.40, of ceramic or metallic materials, electrically or mechanically reactive to changes in temperature
8536.30.80	Electrical apparatus for protecting electrical circuits, for a voltage not exceeding 1,000 V, nesoi
8536.50.70	Certain specified electronic and electromechanical snap-action switches, for a voltage not exceeding 1,000 V
8536.70.00	Connectors for optical fibers, optical fiber bundles or cables
8537.10.30	Electric control panels, for a voltage not exceeding 1,000, assembled with outer housing or supports, for goods of 8421, 8422, 8450 or 8516
8541.10.00	Diodes, other than photosensitive or light-emitting diodes
8541.40.60	Diodes for semiconductor devices, other than light-emitting diodes, nesoi
8542.31.00	Electronic integrated circuits: processors and controllers
8542.32.00	Electronic integrated circuits: memories
8542.33.00	Electronic integrated circuits: amplifiers
8542.39.00	Electronic integrated circuits: other
8542.90.00	Parts of electronic integrated circuits and microassemblies
8543.70.45	Other electric synchros and transducers; defrosters and demisters with electric resistors for aircraft
8543.70.99	Other machinery in this subheading
8544.49.10	Insulated electric conductors of a kind used for telecommunications, for a voltage not exceeding 80 V, not fitted with connectors

HTSUS Subheading	Product Description
8544.49.20	Insulated electric conductors nesoi, for a voltage not exceeding 80 V, not fitted with connectors
8544.60.60	Insulated electric conductors nesoi, not of copper, for a voltage exceeding 1,000 V, not fitted with connectors
8601.20.00	Rail locomotives powered by electric accumulators (batteries)
8602.10.00	Diesel-electric locomotives
8605.00.00	Railway or tramway passenger coaches and special purpose railway or tramway coaches, not self-propelled
8606.10.00	Railway or tramway tank cars and the like, not self-propelled
8606.30.00	Railway or tramway self-discharging freight cars (o/than tank cars or insulated/refrig. freight cars), not self-propelled
8606.91.00	Railway or tramway freight cars nesoi, closed and covered, not self-propelled
8606.92.00	Railway or tramway freight cars nesoi, open, with nonremovable sides of a height over 60 cm, not self-propelled
8606.99.01	Railway or tramway freight cars nesoi, not self-propelled
8607.11.00	Parts of railway/tramway locomotives/rolling stock, truck assemblies for self-propelled vehicles
8607.19.03	Parts of railway/tramway locomotives/rolling stock, axles
8607.19.30	Parts of railway/tramway locomotives/rolling stock, parts of truck assemblies for non-self-propelled passenger coaches or freight cars
8607.30.10	Parts of railway/tramway locomotives/rolling stock, hooks and other coupling devices, buffers, pts thereof, for stock of 8605 or 8606
8607.30.50	Parts of railway/tramway locomotives/rolling stock, hooks and other coupling devices, buffers, pts thereof, for stock of 8601 to 8605
8609.00.00	Containers (including containers for transport of fluids) specially designed and equipped for carriage by one or more modes of transport
8701.20.00	Road tractors for semi-trailers
8701.30.50	Track-laying tractors, not suitable for agricultural use
8701.91.10	Other tractors of engine power <18kW, for agricultural use
8701.91.50	Other tractors of engine power <18kW, not for agricultural use
8701.92.10	Other tractors of engine power => 18kW but < 37kW, for agricultural use
8701.92.50	Other tractors of engine power => 18kW but < 37kW, not for agricultural use
8701.93.10	Other tractors of engine power => 37kW but < 75kW, for agricultural use
8701.93.50	Other tractors of engine power => 37kW but < 75kW, not for agricultural use
8701.94.10	Other tractors of engine power => 75kW but < 130kW, for agricultural use
8701.94.50	Other tractors of engine power => 75kW but < 130kW, not for agricultural use
8701.95.10	Other tractors of engine power >130kW, for agricultural use
8701.95.50	Other tractors of engine power >130kW, not for agricultural use
8704.90.00	Mtr. vehicles for transport of goods, o/than w/compress. ign. or spark ign. recip. piston engine, nesoi
8705.10.00	Mtr. vehicles (o/than for transport of persons or of goods), mobile cranes
8705.20.00	Mtr. vehicles (o/than for transport of persons or of goods), mobile drilling derricks

HTSUS Subheading	Product Description
8705.90.00	Mtr. vehicles (o/than for transport of persons or of goods), special purpose motor vehicles nesoi
8711.10.00	Motorcycles (incl. mopeds) and cycles, fitted w/recip. internal-combustion piston engine w/capacity n/o 50 cc
8711.60.00	Motorcycles (incl. mopeds) and cycles, w/electric motor for propulsion
8711.90.01	Motorcycles (incl. mopeds) and cycles, nesoi
8901.30.00	Vessels, designed for the transport of goods, refrigerated vessels (o/than tankers)
8905.90.10	Floating docks
9001.10.00	Optical fibers, optical fiber bundles and cables, other than those of heading 8544
9001.20.00	Sheets and plates of polarizing material
9014.10.90	Direction finding compasses, other than optical instruments, gyroscopic compasses or electrical
9025.19.40	Pyrometers, not combined with other instruments
9025.19.80	Thermometers, for direct reading, not combined with other instruments, other than liquid-filled thermometers
9025.80.10	Electrical: hydrometers & sim. floating instr., hygrometers, psychometers, & any comb. with or w/o thermometers, pyrometers, & barometers
9027.10.20	Electrical gas or smoke analysis apparatus
9027.90.20	Microtomes
9028.10.00	Gas supply or production meters, including calibrating meters thereof
9028.20.00	Liquid supply or production meters, including calibrating meters thereof
9028.30.00	Electricity supply or production meters, including calibrating meters thereof
9029.20.40	Speedometers and tachometers, other than bicycle speedometers
9029.90.80	Parts and accessories of revolution counters, production counters, odometers, pedometers and the like, of speedometers nesoi and tachometers
9030.31.00	Multimeters for measuring or checking electrical voltage, current, resistance or power, without a recording device
9030.32.00	Multimeters, with a recording device
9030.84.00	Instruments and apparatus for measuring, checking or detecting electrical quantities or ionizing radiations, nesoi: with a recording device
9030.89.01	Instruments and apparatus for measuring, checking or detecting electrical quantities or ionizing radiations, nesoi: w/o a recording device

[FR Doc. 2018–13248 Filed 6–19–18; 8:45 am]
BILLING CODE 3290–F8–C

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2018–56]

Petition for Exemption; Summary of Petition Received; Cruiser Aircraft, Inc.

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

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before July 10, 2018.

ADDRESSES: Send comments identified by docket number FAA–2018–0004 using any of the following methods:

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Clarence Garden (202) 267–7489, Office of Rulemaking, Federal Aviation

Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on June 12, 2018.

Lirio Liu,

Executive Director, Office of Rulemaking.

Petition For Exemption

Docket No.: FAA–2018–0004.

Petitioner: Cruiser Aircraft, Inc. (CSA).

Section(s) of 14 CFR Affected: 21.190(c)(2).

Description of Relief Sought: The proposed exemption, if granted, would allow those Sport Cruiser special light-sport aircraft manufactured by CSA with serial number SC0557 and up that otherwise comply with the applicable consensus standards to be eligible for issuance (or re-issuance) of a special airworthiness certificate in the light-sport category with a maximum takeoff weight of not more than 1,386 pounds (630 kilograms).

[FR Doc. 2018–13178 Filed 6–19–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2018–0021]

Petition for Waiver of Compliance

Under part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated February 16, 2018, TexRail (TEXR) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 238, *Passenger Equipment Safety Standards*. FRA assigned the petition Docket Number FRA–2018–0021.

TEXR has ordered eight FLIRT Series Diesel Multiple Units (DMU) trainsets manufactured by Stadler Bussnang AG with an option to purchase additional trainsets. The DMUs are designed to fulfill the requirements set forth by 49 CFR 238.201, *Scope/alternative compliance*. TEXR requests a waiver ''based on compliance with the FRA-issued guideline 'Technical Criteria and Procedures for Evaluating the Crashworthiness and Occupant Protection Performance of Alternatively-Designed Passenger Rail Equipment for Use in Tier I Service' and the proposed Appendix G to 49 CFR part 238.'' Currently, these vehicles are being delivered and tested at the TEXR maintenance facility. Specifically, TEXR seeks relief from certain requirements for end-frame compression and other procedures as presented in their petition.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov*. Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by July 20, 2018 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy*. See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2018–13219 Filed 6–19–18; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2018–0049]

Petition for Waiver of Compliance

Under part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that on May 29, 2018, BNSF Railway (BNSF) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR 232.213, 232.15, and 232.103(f). In addition, BNSF requests an exemption from the requirements of Title 49, United States Code (U.S.C.), section 20303, which prohibits the movement of a rail vehicle with defective or insecure equipment beyond the nearest available place at which the repairs can be made. See 49 U.S.C. 20306. FRA assigned the petition Docket Number FRA–2018–0049.

Specifically, BNSF petitions FRA to conduct a pilot program on a segment of their system to ''demonstrate that the use of wheel temperature detectors (WTD) to prove brake health effectiveness (BHE) will improve safety, reduce risks to employees, and provide cost savings to the industry.'' Currently, the effectiveness of railroad brake systems is verified by Class I initial terminal and Class IA intermediate brake tests. BNSF proposes to supplement these visual inspections with a wayside WTD, a device designed to directly measure the rise in wheel temperatures because of a brake application. BNSF asserts that such a measure of performance is objective, quantifiable, and independent of conditions that can impair a visual inspection; such as weather, lighting, human fatigue, or human error.

BNSF states that a monitoring system using WTD data as an alternative to the intermediate brake inspections is expected to substantially improve the reliability of brake inspections, reduce on-line setouts, and increase faulty part replacement, to improve the safety performance of brake systems overall. BNSF plans to use pyrometer sensors, a technology also used for hot wheel

detection, to measure the surface temperature of each wheel passing the detector. Using data analysis algorithms, these temperature measurements determine whether brakes on each axle and brake valve of a car is applying when they should, and not applying when they should not. A comparison to a baseline non-braking measurement against the brake site measurement would be used to identify wheels with abnormal brake readings for subsequent inspection, troubleshooting, and repair. BNSF explains that its Safety Assurance Plan (SAP) describes how its WTD system provides for each safety element required by the Class I and Intermediate Brake Tests, outlines the level of brake system performance that is expected from using the WTD and algorithms, and describes how data will be collected to demonstrate that this level of safety has been achieved.

BNSF proposes to conduct a pilot program on extended haul, revenue-service unit intermodal trains, operating between facilities in California and Chicago, IL. These intermodal trains operate intact with up to 1,702 miles between brake tests. Each test train will receive a Class I brake test and predeparture test at the intermodal facility in California or Chicago. In-route trains will pass WTD monitors located both east and west of Belen, NM, to record braking performance through power braking events. During this proposed pilot program, a minimum of 95 percent of brake valves in a train will be required to have ''qualified'' brakes between inspection points, meaning a brake valve produces a wheel temperature statistically different from the baseline test before braking is initiated. If there is any doubt about WTD system performance, reliability, and data quality; or fewer than 95 percent of the brake valves in the consist that have qualified brakes as verified by the automated WTD system, a manual intermediate inspection will be performed at the designated inspection point. Class I inspections and other operational and regulatory inspections will continue to be performed, and any defects discovered by the Class I brake test will be repaired before the car is approved to leave the original terminal.

Additionally, BNSF explains that it uses dragging equipment detectors, hot wheel detectors, and hot box detectors to monitor equipment that may have brakes not properly releasing, handbrakes left on, or incorrect retainer valve positions. BNSF states that preliminary tests conducted with the WTD system indicate that cars with ineffective brakes are identified at a significantly higher rate than intermediate brake tests. During the pilot test period, specific car repair data resulting from abnormal brake detections will be analyzed to establish the effectiveness of the WTD compared to manual inspections.

FRA may grant an exemption from the requirements of 49 U.S.C. 20303 only on the basis of (1) evidence developed at a hearing; or (2) an agreement between national railroad labor representatives and the developer of the equipment or technology at issue. 49 U.S.C. 20306. In support of its request for an exemption from 49 U.S.C. 20303, BNSF notes that the public hearing FRA previously held to address a similar request for exemption from the Union Pacific Railroad (Docket Number FRA–2016–0018) addresses substantially the same issues as its current request. Thus, BNSF asserts a separate public hearing on its current request is unnecessary. FRA agrees and in considering BNSF's request in this docket, FRA intends to rely on the findings of the hearing conducted in Docket Number FRA–2016–0018.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE, W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by July 20, 2018 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov.*

Issued in Washington, DC.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2018–13218 Filed 6–19–18; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

[Docket No. FAA–2009–0671]

Agency Requests for Renewal of a Previously Approved Information Collection(s): Safety Management Systems for Part 121 Certificate Holders

AGENCY: Federal Aviation Administration, (FAA)(DOT).

ACTION: Notice and request for comments.

SUMMARY: The DOT invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection used to support the analysis of safety data as part of a Safety Management System required for part 121 Certificate Holders. The information to be collected will be used to identify hazards and show compliance with part 5, Safety Management Systems. All collected data and records are maintained by the certificate holder and not submitted to the FAA. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Written comments should be submitted by August 20, 2018.

ADDRESSES: You may submit comments identified by Docket No. FAA–2009–0671 through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Sean Denniston, Safety Management System Program Office (AFS–910) by email at: *sean.denniston@faa.gov;* phone: 703–230–7664, ext. 261

SUPPLEMENTARY INFORMATION: *OMB Control Number:* OMB–2120–0763.

Title: Safety Management Systems for Part 121 Certificate Holders.

Form Numbers: None.

Type of Review: Renewal of an information collection with changes.

Background: The information collection involves the collection and analysis of safety data as part of a Safety Management System (SMS), as required for part 121 certificate holders by 14 CFR part 5, Safety Management Systems. The information to be collected will continue to be used to identify hazards and show compliance with part 5.

The existing information collection included the submission of SMS Implementation Plans to the FAA by March 9, 2018. That portion of the information collection has been completed and only new applicants for a part 121 certificate will be required to submit SMS Implementation Plans in the future. As a result, the burden for the submission of implementation plans will be significantly reduced. The FAA anticipates a minimal amount of applications for new part 121 certificates in the future.

The original burden estimate for the maintenance of an SMS program encompassed 90 certificate holders in existence at the time of the rulemaking and the number of current part 121 certificate holders is now 72.

The ongoing information collection requirement for part 121 certificate holders supports the ongoing requirements of an SMS program under part 5 to determine and identify hazards in an aviation operation, measure the effectiveness of hazard identification and mitigation and the prevention of unforeseen hazards, and the maintenance of training records and communications documentation used to promote safety.

Respondents: All part 121 certificate holders.

Number of Respondents:

Implementation plan collection: 3 future applicants for part 121 certificate (anticipated at no more than one per year).

Continuing SMS program collection: 72 current part 121 certificate holders.

Frequency:

Implementation plan collection: Yearly responses for the 3 future applicants.

Continuing SMS program collection: Monthly responses for the 72 current part 121 certificate holders.

Number of Responses:

*Implementation plan collection:*1 future applicant per year submitting yearly responses would total 6 responses over the three year period. (1 new applicant in the first year × 3 responses + 1 applicant in second year × 2 responses + 1 applicant in the third year × 1 response).

Continuing SMS program collection: 72 current part certificate holders x 12 responses = 864 responses per year.

Total Annual Burden:

Implementation plan collection: Total burden for new applicants estimated to be 20,040 hours or 6,680 hours per year.

Continuing SMS program collection: Total annual burden of 146,666 hours or 1,955 hours per year per carrier.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for 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.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1:48.

Issued in Washington, DC on June 13, 2018.

John S. Duncan,

Executive Director, Flight Standards Service.

[FR Doc. 2018–13242 Filed 6–19–18; 8:45 am]

BILLING CODE 4910–13–P

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H.R. 3663/P.L. 115–183

To designate the medical center of the Department of Veterans Affairs in Huntington, West Virginia, as the Hershel ''Woody'' Williams VA Medical Center. (June 15, 2018; 132 Stat. 1482)

H.R. 4910/P.L. 115–184
Veterans Cemetery Benefit Correction Act (June 15, 2018; 132 Stat. 1483)

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