

(j) Whether the project can be replicated. A maximum of 10 points can be awarded. Points to be awarded will be determined as follows:

(1) If the project can be commercially replicated regionally (e.g., Northeast, Southwest, etc.), 5 points will be awarded.

(2) If the project can be commercially replicated nationally, 10 points will be awarded.

(k) If the project uses a particular technology, system, or process that is not currently operating at commercial scale as of October 1 of the fiscal year for which the funding is available; October 1, 2018, 5 points will be awarded.

(l) The Administrator can award up to a maximum of 10 bonus points:

(1) To ensure, to the extent practical, there is diversity in the types of projects approved for loan guarantees to ensure a wide a range as possible technologies, products, and approaches are assisted in the program portfolio; and

(2) To applications that promote partnerships and other activities that assist in the development of new and emerging technologies for the development of renewable chemicals and other biobased outputs of biorefineries, so as to, as applicable, promote resource conservation, public health, and the environment; diversify markets for agricultural and forestry products and agriculture waste material; and create jobs and enhance the economic development of the rural economy. No additional information regarding partnerships is provided at this time. If additional information does become available, the Agency will publish those details in a **Federal Register** notice.

## IX. General Program Information

**A. Loan Origination.** Lenders seeking a loan guarantee under this Notice must comply with all of the provisions found in 7 CFR 4279, subpart C.

**B. Loan Processing.** The Agency will process loans guaranteed under this Notice in accordance with the provisions specified in 7 CFR 4279.260 through 4279.290.

**C. Evaluation of Applications and Awards.** Awards under this Notice will be made on a competitive basis; submission of an application neither reserves funding nor ensures funding. The Agency will evaluate each application received in the USDA Rural Business-Cooperative Service, Energy Programs, select Phase 1 applications in accordance with 7 CFR 4279.267 to invite submittal of Phase 2 applications and will make awards using the provisions specified in 7 CFR 4279.278.

**D. Guaranteed Loan Servicing.** The Agency will service loans guaranteed under this Notice in accordance with the provisions specified in 7 CFR 4287.301 through 4287.399.

**E. System for Award Management (SAM) and Dun and Bradstreet Data Universal Numbering System (DUNS) Registration.** Unless exempt under 2 CFR 25.110, the applicant must be registered in the SAM prior to submitting an application and maintain an active SAM registration with current information at all times during which it has an active Federal award or an application under consideration by the Agency. Applicants must provide a DUNS number for each application submitted to the Agency.

## X. Administration Information

**A. Notifications.** The Agency will notify, in writing, lenders whose Phase 1 applications have scored highest and will invite them to submit Phase 2 applications. If the Agency determines it is unable to guarantee any particular loan, the lender will be informed in writing. Such notification will include the reason(s) for denial of the guarantee.

**B. Administrative and National Policy Requirements.**

**1. Review or Appeal Rights.** A person may seek a review of an Agency decision or appeal to the National Appeals Division in accordance with 7 CFR 4279.204.

**2. Exception Authority.** The provisions specified in 7 CFR 4279.203 and 7 CFR 4287.303 apply to this Notice.

**C. Environmental Review.** The Agency will review all applicant proposals that may qualify for assistance under this section in accordance with 7 CFR part 1970, Environmental Policies and Procedures. The environmental review for projects that score high enough will be submitted during the Phase 2 application process and must be conducted in accordance with 7 CFR part 1970, Environmental Policies and Procedures.

## XI. Agency Contacts

For general questions about this Notice, please contact Aaron Morris, Rural Business-Cooperative Service, Energy Programs, U.S. Department of Agriculture, 1400 Independence Avenue SW, Room 6901-S, Washington DC 20250-3225. Telephone: 202-720-1501. Email: [Aaron.Morris@wdc.usda.gov](mailto:Aaron.Morris@wdc.usda.gov).

### Equal Opportunity and Non-Discrimination Requirements

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 TARTET 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](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 a 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 at:** [program.intake@usda.gov](mailto:program.intake@usda.gov). USDA is an equal opportunity provider, employer, and lender.

Dated: July 30, 2018.

**Bette B. Brand,**

*Administrator, Rural Business-Cooperative Service.*

[FR Doc. 2018-16664 Filed 8-2-18; 8:45 am]

**BILLING CODE 3410-XY-P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

[Docket Number 17-BIS-0005]

### Denial of Export Privileges

In the Matter of: Narender Sharma Middle Bazaar, Rampur Bushahr Distt. Shimla (H.P.) 172 001 India, Hydrel Engineering Products

Middle Bazaar, Rampur Bushahr Distt. Shimla (H.P.) 172 001 India, Respondents; Order Activating Suspended Portion of Civil Penalty and Activating Suspended Denial of Export Privileges Against *Narender Sharma and Hydel Engineering Products*

On August 31, 2017, I signed an order (the “August 31, 2017 Order”) approving the terms of the settlement agreement entered into in August 2017 (the “Settlement Agreement”) between the Bureau of Industry and Security, U.S. Department of Commerce (“BIS”), and Narender Sharma (“Sharma”) and his company Hydel Engineering Products (“Hydel” or “Hydel Engineering”) (collectively, “Hydel/Sharma” or “Respondents”). The Settlement Agreement and the August 31, 2017 Order relate to an enforcement action brought by BIS against Hydel and Sharma for conspiring to export items from the United States to Iran, including to an Iranian Government entity, without the required U.S. Government authorization, in violation of the Export Administration Regulations (the “Regulations”), which issued under the authority of the Export Administration Act of 1979, as amended (the “Act”).<sup>1</sup>

The Settlement Agreement and August 31, 2017 Order imposed on Hydel and Sharma a civil penalty of \$100,000, for which they are jointly and severally liable. Hydel and Sharma were required to pay \$30,000 of this amount to the U.S. Department of Commerce by no later than December 15, 2017. Payment of the remaining \$70,000 was suspended for a probationary period of five years from the date of the August 31, 2017 Order, after which it would be waived, provided that during this five-year probationary period, Hydel and Sharma made full and timely payment of \$30,000 as set forth above, otherwise complied with the terms of the Settlement Agreement and the August 31, 2017 Order, and committed no other violation of the Act, the Regulations, or any order, license, or authorization issued thereunder.

The Settlement Agreement and the August 31, 2017 Order also imposed a five-year denial of Hydel and Sharma’s export privileges under the Regulations. This denial order was suspended pursuant to Section 766.18(c) of the

Regulations, subject to the same probationary conditions described above, including Hydel and Sharma’s full and timely payment of \$30,000 by December 15, 2017. If Hydel and Sharma failed to make such full and timely payment, the suspension could be modified or revoked by BIS and a denial order including a denial period of up to five years activated against Hydel and Sharma. Upon activation of the denial order, any license issued pursuant to the Act or Regulations in which Hydel or Sharma had an interest at such time would be revoked.

BIS has brought to my attention that Hydel and Sharma have not paid the \$30,000 that was due by December 15, 2017, and thus that Hydel and Sharma have violated one of the probationary conditions relating to the \$70,000 suspended portion of the civil penalty and the suspension of the denial of their export privileges.

In accordance with Sections 766.17(c) and 766.18(c) of the Regulations, I notified Hydel and Sharma, by letter dated February 12, 2018, of the proposed activation of these suspended sanctions, and provided them with an opportunity to respond, including an opportunity to explain their failure to make the December 15, 2017 payment of \$30,000, and to show why I should not activate the \$70,000 suspended penalty amount, issue an active five-year denial order against them, or take both actions.

Neither Hydel nor Sharma has responded to the February 12, 2018 letter. The \$30,000 civil penalty payment that was due by December 15, 2017, also remains unpaid.

Based on the totality of circumstances here, I have determined within my discretion that it is appropriate to activate the \$70,000 suspended portion of the civil penalty and to activate a denial order including a five-year denial period.

*It is therefore ordered:*

*First*, the suspension of the \$70,000 suspended portion of the civil penalty set forth in the August 31, 2017 Order is hereby revoked, and that this now-activated \$70,000 civil penalty amount shall be paid to the U.S. Department of Commerce within 15 days of the date of this Order. Hydel and Sharma are jointly and severally liable for payment of this amount, and continue to be jointly and severally liable for the \$30,000 civil penalty amount they were required to pay by December 15, 2017, along with any related interest, penalty, or administrative charge that has accrued or may accrue as a result of their failure to pay \$30,000 by the December 15, 2017 due date.

*Second*, pursuant to the Debt Collection Act of 1982, as amended (31 U.S.C. 3701–3720E (2000)), the \$70,000 civil penalty amount activated by this Order accrues interest as more fully described in the attached Notice, and if payment is not made by the due date specified herein, Hydel and Sharma will be assessed, in addition to the full amount of the civil penalty and interest, a penalty charge and an administrative charge, as more fully described in the attached Notice.

*Third*, for a period of five years from the date of this Order, Hydel Engineering Products, with a last known address of Middle Bazaar, Rampur Bushahr Distt. Shimla (H.P.) 172 001, India, and Narender Sharma, with a last known address of Middle Bazaar, Rampur Bushahr Distt. Shimla (H.P.) 172 001, India, and when acting for or on their behalf, their successors, assigns, representatives, agents, or employees (each a “Denied Person” and collectively the “Denied Persons”), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as “item”) exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

*Fourth*, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of a Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by a Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby a Denied Person

<sup>1</sup> The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2018). The Regulations issued under the Act, 50 U.S.C. app. 4601–4623 (Supp. III 2015). Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), as extended most recently by the Notice of August 15, 2017 (82 FR 39,005 (Aug. 16, 2017)), has continued the Regulations in effect under the International Emergency Economic Powers Act, 50 U.S.C. 1701, *et seq.* (2012).

acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from a Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from a Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by a Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by a Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

*Fifth*, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to a Denied Person by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order.

*Sixth*, any license issued pursuant to the Act or Regulations in which Hydel or Sharma has an interest of the date of this Order is hereby revoked.

*Seventh*, this Order shall be served on Hydel and Sharma, and shall be published in the **Federal Register**.

This Order is effective immediately.

Issued on July 30, 2018.

**Richard R. Majauskas,**

*Acting Assistant Secretary of Commerce for Export Enforcement.*

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**BILLING CODE P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XG131

#### Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Bravo Wharf Recapitalization Project

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

**ACTION:** Notice; issuance of incidental harassment authorization.

**SUMMARY:** In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA), as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to the U.S. Navy (Navy) for the take, by Level B harassment only, of bottlenose dolphins (*Tursiops truncatus*), incidental to the Bravo Wharf Recapitalization Project at Bravo Wharf, Naval Station Mayport, Florida.

**DATES:** The IHA is valid from May 14, 2018 through May 13, 2019.

**FOR FURTHER INFORMATION CONTACT:** Jaclyn Daly, Office of Protected Resources, NMFS, (301) 427-8438.

#### Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

NMFS has defined “negligible impact” in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

The MMPA states that the term “take” means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

Except with respect to certain activities not pertinent here, the MMPA defines “harassment” as any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral

patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

#### National Environmental Policy Act

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), as implemented by the regulations published by the Council on Environmental Quality (40 CFR parts 1500–1508), the Navy prepared an Environmental Assessment (EA) to consider the direct, indirect and cumulative effects to the human environment resulting from the Bravo Wharf recapitalization project. NMFS made the Navy’s EA available to the public for review and comment, in relation to its suitability for adoption by NMFS in order to assess the impacts to the human environment of issuance of an IHA to the Navy. Also in compliance with NEPA and the CEQ regulations, as well as NOAA Administrative Order 216-6, NMFS has reviewed the Navy’s EA, determined it to be sufficient, and adopted that EA and signed a Finding of No Significant Impact (FONSI) in July, 2016. The 2016 NEPA documents are available at <https://www.fisheries.noaa.gov/node/23111>. Since the IHA covers a subset of the same work covered in a former IHA, NMFS is relying on this same EA and FONSI document.

#### History of Request

On July 21, 2015, we received a request from the Navy for authorization of the taking, by Level B harassment only, of marine mammals incidental to pile driving (predominantly vibratory pile driving, with a small amount of impact pile driving as a contingency plan in case of difficult piles) in association with the Bravo Wharf Recapitalization Project at Naval Station Mayport, Florida. A final version of the application, which we deemed adequate and complete, was submitted on November 17, 2015. We published a notice of a proposed IHA and request for comments on December 7, 2015 (80 FR 75978), and subsequently published final notice of our issuance of the IHA on August 9, 2016 (81 FR 52637). In-water work associated with the project was expected to be completed within the one-year timeframe of the IHA (effective dates originally December 1, 2016 through November 30, 2017). The specified activities were, and are, expected to result in the take of individuals from four stocks of bottlenose dolphins.

On January 23, 2017, the Navy informed NMFS that no work had been performed relevant to the specified